

APPLICATION ACCEPTED: August 4, 2010
PLANNING COMMISSION: July 19, 2012
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

July 5, 2012

STAFF REPORT

SE 2010-DR-019

DRANESVILLE DISTRICT

APPLICANT:	Sivnam Partnership, LLC
EXISTING ZONING:	C-8
PARCEL:	6-1 ((1)) 18
ACREAGE:	42,535 sq. ft.
FAR:	0.06 proposed
OPEN SPACE:	60.2% proposed
PLAN MAP:	Retail and Other
SE CATEGORY/USE:	Category 5: Fast Food Restaurant
PROPOSAL:	Request for Special Exception approval to permit the conversion of an existing drive-in financial institution to a fast food restaurant with a drive-through.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2010-DR-019, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the trail requirement along the north side of Route 7 (Leesburg Pike) in favor of existing conditions.

Miriam Bader

Staff recommends approval of a modification of the transitional screening requirement along the northeastern property line in favor of the SE Plat.

Staff recommends approval of a waiver of the barrier requirement along the northeastern property line in favor of the SE Plat.

It should be noted that it is not the intent of the Staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application

It should be noted that the content of this report reflects the analysis and recommendation of Staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).

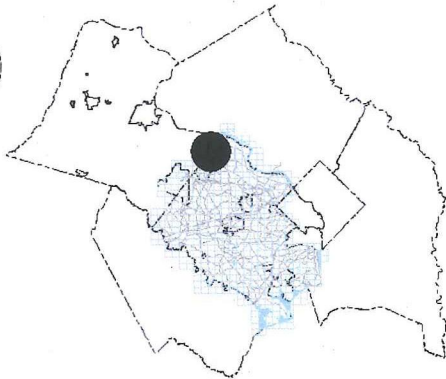
O:\mbader\SE\SE 2010-DR-019 Sivnam aka Popeyes\Staff Report\Draft Staff Report, SE 2010-DR-019 Popeyes Restaurant.docx



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

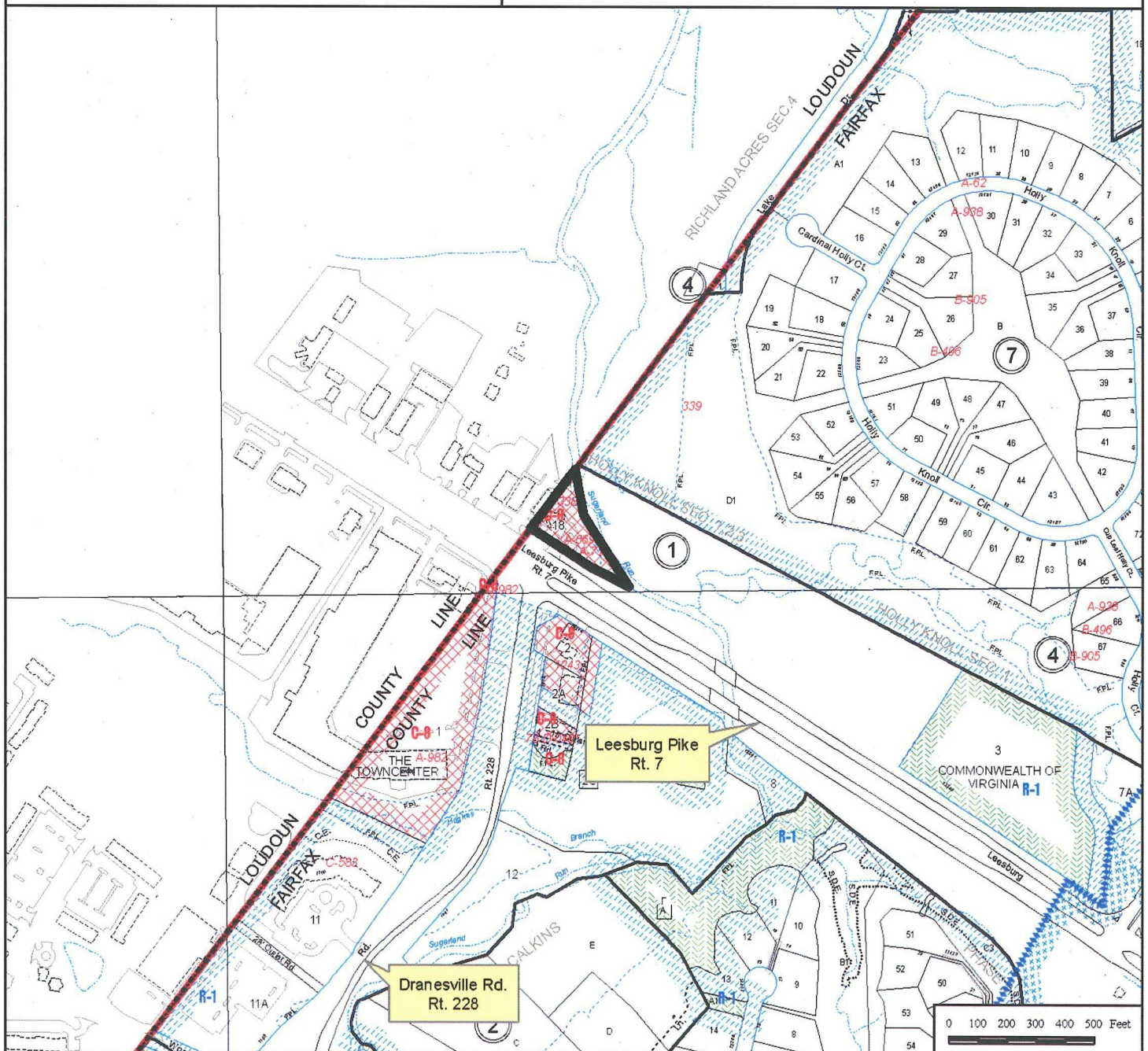
Special Exception

SE 2010-DR-019



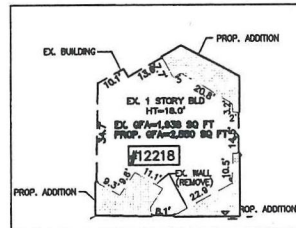
Applicant: SIVNAM PARTNERSHIP LLC
Accepted: 08/04/2010
Proposed: FAST FOOD RESTAURANT
Area: 42,535 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 04-0804
Art 9 Group and Use: 5-11
Located: 12218 LEESBURG PIKE
Zoning: C- 8
Plan Area: 3,
Overlay Dist:
Map Ref Num: 006-1- /01/ /0018

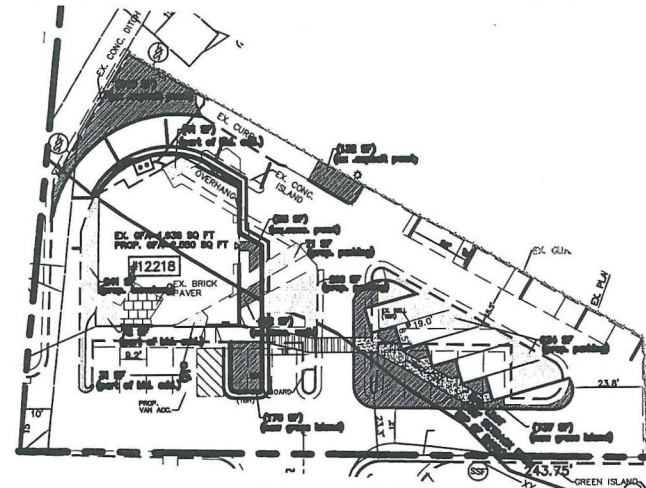


TOTAL DISTURBED AREA AND WATERSHED NOTE:

WATERSHED: SUGANLAND RUN
DISTURBED AREA IN
RPA=3,148 SQ FT OR 0.072 ACRES
RMA (NBI-RPA)=1,680 SQ FT OR 0.038 ACRES
TOTAL DISTURBED AREA=4,708 SQ FT OR 0.108 ACRES



EX./PROP. BUILDING FOOTPRINT
(SCALE 1"=20')



DETAIL SHOWING IMPERVIOUS AREA COMPUTATIONS
(SCALE 1"=20')

PLAN SHOWING CHANGE IN IMPERVIOUS AREA

SCALE 1"=20'

REDUCTION IN IMPERVIOUS AREA (TO BE CONVERTED TO GREEN AREA)			ADDITION OF IMPERVIOUS AREA		
TOTAL	RPA AREA	RMA AREA	TOTAL	RPA AREA	RMA AREA
840	830	10	219	208	11
132	132	0	31	31	0
53	53	0	241	241	0
178	178	0	41	41	0
797	418	322	634	634	0
SUB-TOTAL (1,790)	(1,287)	(503)	SUB-TOTAL (1,308)	654	358

NET CHANGE IN IMPERVIOUS AREA
RPA AREA: 964-1287=-303 SQ FT (DECREASE)
RMA AREA: 358-533=-175 SQ FT (DECREASE)

NET CHANGE IN IMP. AREA (BOTH RPA & RMA)=1308-1790=-481 SQ FT (DECREASE)

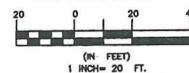
LEGEND

- EX. IMP. AREA TO BE CONVERTED TO GREEN AREA
- NEW IMPERVIOUS AREA TO BE ADDED

LEGENDS

- EDGE OF PAVEMENT
- EX. WATER LINE
- EX. 2' CONTOUR LINE
- PROP. 2' CONTOUR LINE
- EX. SPOT ELEVATION
- PROP. SPOT ELEVATION
- EX. SANITARY BENDER
- FLOW ARROW
- EX. DRIP LINE
- PROP. DRIP LINE
- EX. TREE
- EX. POWER POLE
- LIMIT OF CLEARING AND GRADING
- EX. FIRE HYDRANT
- PROP. TREE
- EX. PARKING LIGHT
- PROP. SECURITY LIGHT

GRAPHICAL SCALE



SPECIAL EXCEPTION PLAT
LOT 18, SUGANLAND RUN
12218 LEESBURG PIKE

TAX MAP# 008-1-(11)-18

FARMEX COUNTY, VIRGINIA

DISTRICT: BRANTSTADT



NO.	REVISION	DATE	BY
1	ISSUED FOR PRELIMINARY REVIEW	10/10/03	ALMA
2	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA
3	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA
4	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA
5	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA
6	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA
7	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA
8	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA
9	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA
10	REVISION FOR PRELIMINARY REVIEW	10/10/03	ALMA

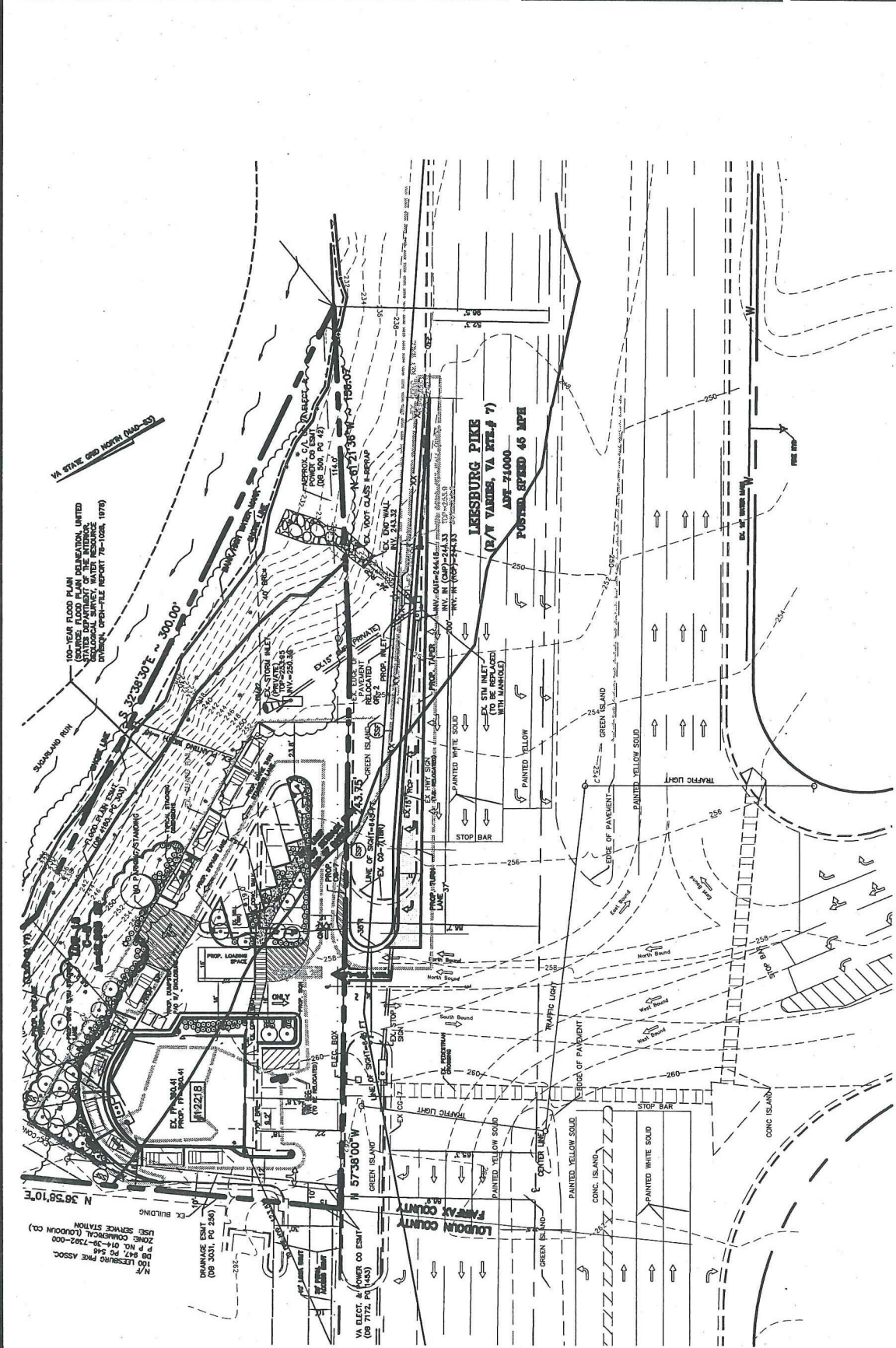
DATE	10/1/00
BY	10/1/00
REVISION	10/1/00
NO.	10/1/00
DATE	10/1/00
BY	10/1/00
REVISION	10/1/00
NO.	10/1/00

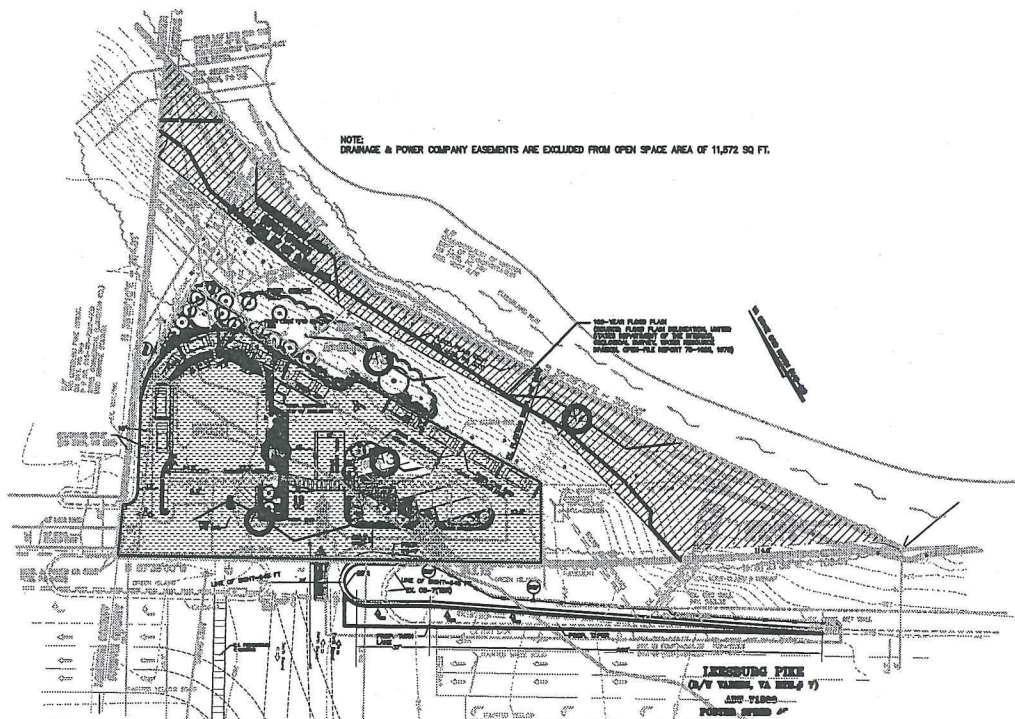
RIGHT TURN LANE
 LOT 18, SUGARLAND BLVD
 12218 LEEBURG PIKE
 FARMAX COUNTY, VIRGINIA
 PROJECT: DANVILLE
 TXL MAP# 000-1-((1))1-15

A/M/A
 ENGINEERS, LLC
 4308 WAKEFIELD CHAPEL ROAD
 ANNANDALE, VA 22003
 TEL: 703-655-2151
 FAX: 703-655-2151
 amenginc@earthlink.net

STATE OF VIRGINIA
 PROFESSIONAL ENGINEER
 NO. 10,000
 EX. 10,000

NO.	10/1/00
DATE	10/1/00
BY	10/1/00
REVISION	10/1/00
NO.	10/1/00
DATE	10/1/00
BY	10/1/00
REVISION	10/1/00
NO.	10/1/00





BMP DRAINAGE MAP
SCALE 1"=30'

WATER QUALITY NARRATIVE (BMP)

THE PROJECT PROPOSES THE CHANGE OF CURRENT USE TO A RESTAURANT. IT CONSISTS OF MINOR CHANGE TO THE EXISTING SITE, WHICH CONSIST OF MINOR ADDITION TO THE BUILDING FOOTPRINT AREA AND SLIGHT MODIFICATION OF THE PARKING LOT AREA TO REDUCE THE TOTAL IMPERVIOUS AREA WITHIN THE STUDY SITE. THERE IS NET DECREASE IN THE IMPERVIOUS AREA BY ABOUT 202 SQ. FT. AFTER THE COMPLETION OF THE PROJECT. SINCE THERE IS NET REDUCTION OF IMPERVIOUS AREA WITHIN AN RPA AND NO MORE THAN A NET INCREASE IN IMPERVIOUS AREA WITHIN AN RMA OF 20% RELATIVE TO CONDITIONS PRIOR TO THE DEVELOPMENT, IT QUALIFIES THE PROJECT AS A "REDEVELOPMENT" PER FPM 8-0401.20. THE MINIMUM BMP REMOVAL REQUIREMENT PER COUNTY REQUIREMENT IS 10% PHOSPHOROUS REMOVAL. (PLEASE REFER TO THE "PHOSPHOROUS REMOVAL REQUIREMENT" ON THIS SHEET) FROM THE SITE IN ITS ULTIMATE DEVELOPMENT CONDITIONS.

THE WATER QUALITY MANAGEMENT AREA, WHICH IS ALSO CALLED "OPEN SPACE" (NON-STRUCTURAL PRACTICE) IS USED TO MEET THE BMP REQUIREMENTS FOR THE SITE. ABOUT 0.283 ACRES OF LAND AREA IS RECORDED WITHIN THE FLOOD PLAIN EASEMENTS IN DEED BOOK 4180 PAGE 303, ACCORDING TO FPM TABLE 8.30 (FOOTNOTE 5). THIS AREA QUALIFIES FOR THE OPEN SPACE FOR BMP CREDIT. ONLY 0.286 ACRES OF AREA IS TAKEN TOWARDS THE CREDIT FOR BMP COMPUTATION FOLLOWING THE EXCLUSION OF THE AREA OCCUPIED BY THE DRAINAGE AND POWER COMPANY EASEMENTS OVERLAP. THE AREA HAS BEEN SHOWN AND LABELED AS "OPEN SPACE" ON THIS SHEET. THE BMP COMPUTATION SHOWS THAT THE TOTAL PHOSPHOROUS REMOVAL ACHIEVED BY THE BMP IS 27.2% WHICH IS MORE THAN REQUIRED (10%) FOR THIS LOT PER FPM FAIRFAX VA, 2003 8-401.2A, PLEASE REFER TO THE BMP COMPUTATIONS ON THIS SHEET. THEREFORE, THE WATER QUALITY REQUIREMENT WILL BE SATISFIED PER CSPO REQUIREMENT BY THE BMP FACILITY.

PHOSPHOROUS REMOVAL REQUIREMENT:

PRE-DEVELOPMENT PERCENT IMPERVIOUS AREA, "pre" = 0.40
POST-DEVELOPMENT PERCENT IMPERVIOUS AREA, "post" = 0.30
[1-0.9("pre"/"post")]100 = % P REMOVAL

[FPM, FAIRFAX COUNTY VA, 2003 8-401.20]
= (1-0.9 (0.40/0.30))100 = 10.0% OF PHOSPHOROUS REMOVAL REQUIREMENT FOR THE REDEVELOPMENT TREE BOX (FILTERRA UNIT) WILL BE PROVIDED TO MEET THE MINIMUM BMP REQUIREMENT.

PHOSPHOROUS REMOVAL CALCULATIONS - "OCOQUAN METERS"

(A) Area of the site 0.978 AC

Surface area designation (1)	"C" (2)	Acres (3)	Product (4)
Paved Area (Uncontrolled Area) (Building, Driveway and Sidewalk)	A1 0.9	x 0.366	= 0.330
Open Space Area (Controlled)	A2 0.25	x 0.266	= 0.067
Unpaved Area (Uncontrolled)	A3 0.25	x 0.322	= 0.081
Total (b) =			0.498
(b) / (a) = (c)			0.50 acres

Part 3: Compute the Total Phosphorus Removal for the Site

Subarea Designation	BMP Type	Removal Eff. (%)	Area Ratio	"C" Factor Ratio	Product
A2 Open Space		100%	0.272	x 1.00	= 27.2

Fairfax county phosphorus removal requirement = 10% Total 27.2%
The phosphorus removed is in compliance with Phosphorus Removal Requirement of the redevelopment. Therefore, the design is acceptable.

IMPERVIOUS ACREAGE ANALYSIS

DESCRIPTIONS	DEVELOPMENT LEVEL		IMPERVIOUSNESS ACREAGE COMPUTATION	
	PRE	POST	PRE	POST
SITE AREA IN ACRES	A1	A2	0.978	0.978
COMPOSITE RATIONAL C FACTOR	C1	C2	0.91	0.50
FRACTIONAL IMPERVIOUSNESS	I1	I2	0.40	0.30
TOTAL IMPERVIOUS ACRES (A1*I1) - (A2*I2)			0.390	0.390
INCREASE IN IMPERVIOUS ACRES	(A2*I2) - (A1*I1)			0.000

IMPERVIOUS AREA COMPUTATIONS

DESCRIPTIONS	PRE-DEV	PROP. ADDITION	POST-DEV
BUILDINGS	1,938	612	2,550
PARKING & DRIVEWAYS	14,047	-(963) (REDUCED)	13,084
WALKWAY AND OTHERS	1,132	-(130) (REDUCED)	1,002
TOTAL POST-DEV. IMP. AREA 17,117		-481 (REDUCED)	16,636
PERVIOUS AREA (GRASS-AREA)	28,418		28,418
TOTAL SITE AREA	42,535 SF		42,535 SF
INCREASE IN IMPERVIOUSNESS = -481 SF OR -3% OF THE EXISTING IMPERVIOUS AREA.			
TOTAL PERCENTAGE OF IMPERVIOUSNESS = (16,636 x 100%) = 39.1%			
			42,535

"C" RUNOFF COEFFICIENT

A. PRE-DEVELOPMENT
= (17117 x 0.9 + 28418 x 0.25) = 0.51
42535
B. POST-DEVELOPMENT
= (16636 x 0.9 + 28418 x 0.25) = 0.50
42535

RUNOFF, Q = CIA

A. PRE-DEVELOPMENT
(5 MIN TC) Q2 = (0.51 x 5.45 x 0.978) = 2.71 CFS
Q10 = (0.51 x 7.27 x 0.978) = 3.62 CFS
B. POST-DEVELOPMENT
(5 MIN TC) Q2 = (0.50 x 5.45 x 0.978) = 2.66 CFS
Q10 = (0.50 x 7.27 x 0.978) = 3.55 CFS
C. INCREASE IN RUNOFF (10MINS)
Q2y= 2.66-2.71=0.05 CFS
Q10y= 3.55 - 3.62=0.07 CFS

MS-4

FACILITY ID NO.	FACILITY TYPE	PURPOSE	SIN FACILITIES		RECEIVING WATERS	MAINTENANCE AGREEMENT Y/N	VARIOUS CODE
			TREATED	WATERSHED			
1	Open Space (NON-STRUCTURAL)	QUALITY	0.286	SUGARLAND RUN	SUGARLAND RUN CREEK	N/A	PL280

STORMWATER DETENTION WAIVER ABBREVIATED NARRATIVE (LTR 21-88)

THE PROJECT INVOLVES A CHANGE OF CURRENT USE TO A RESTAURANT. THIS WILL INVOLVE A MINOR ADDITION TO THE EXISTING BUILDING FOOTPRINT AREA AND MINOR MODIFICATION OF THE EXISTING PARKING LOT. THE PROJECT WILL RESULT A NET REDUCTION OF AN IMPERVIOUS AREA DUE TO THE CONVERSION OF SOME PARKING AREA TO A GREEN AREA. AFTER THE COMPLETION OF THE PROJECT, THE TOTAL IMPERVIOUS AREA WITHIN THE STUDY SITE WILL BE REDUCED TO 16,636 SQ FT AS COMPARED TO AN EXISTING IMPERVIOUS AREA OF 17,117 SQ FT. PLEASE REFER TO THE COMPUTATION ON THIS SITE AND IMPERVIOUS AREA MAP ON SHEET 4. IT WILL RESULT A NET DECREASE IN AN IMPERVIOUS AREA OF ABOUT 481 SQUARE FEET. THE DECREASE IN THE IMPERVIOUS AREA WILL RESULT IN THE REDUCTION OF THE POST-DEVELOPMENT RUNOFF RATE. THE 10-YEAR AND 2-YEAR RUNOFF RATE WILL DECREASE BY 0.05 CFS AND 0.07 CFS RESPECTIVELY. PLEASE REFER TO THE COMPUTATION ON THIS SHEET.

AFTER THE COMPLETION OF THE PROJECT, THE OVERALL POST-DEVELOPMENT RUNOFF WILL BE 3.55 CFS AND 2.66 CFS FROM 10-YEAR AND 2-YEAR STORM, WHICH WILL BE LESS THAN THE PRE-DEVELOPMENT RUNOFF FOR BOTH STORMS. PLEASE REFER TO THE COMPUTATION ON THIS SHEET. THEREFORE, NO STORMWATER DETENTION IS REQUIRED FOR THIS DEVELOPMENT PURSUANT TO LETTER TO INDUSTRY 21-88.

NOTE: THE OWNER WILL DETERMINE THE STORMWATER MANAGEMENT REQUIREMENT AT THE TIME OF SITE PLAN/MINOR SITE PLAN REVIEW.

LEGEND (SUB-AREA LEGEND)

- OPEN SPACE (AREA= 0.286 AC.)
- PERVIOUS AREA UNCONTROLLED (AREA= 0.322 AC)
- IMPERVIOUS AREA UNCONTROLLED (AREA= 0.388 AC)

DATE	11/17/20
BY	AM/A
SCALE	1"=30'
PROJECT NO.	006-1-(11)-16

BMP COMPS AND SUB-AREA MAP
LOT 18, SUGARLAND RUN
12218 SUGARLAND PIKE
FAIRFAX COUNTY, VIRGINIA
TAX MAP# 006-1-(11)-16
INSTRUCT: VALENTIN

AM/A ENGINEERS, LLC
4308 WAKEFIELD CHAPEL ROAD
ANNANDALE, VA 22003
TEL: 703-655-2151
amengrce@verizon.com

NO.	DATE	REVISION	BY
1	11/17/20	REVISION FOR WATER ANALYSIS	AM/A
2	11/17/20	REVISION FOR BMP REQUIREMENTS	AM/A
3	11/17/20	REVISION FOR BMP REQUIREMENTS	AM/A
4	11/17/20	REVISION FOR BMP REQUIREMENTS	AM/A
5	11/17/20	REVISION FOR BMP REQUIREMENTS	AM/A



FROM POINT	TO POINT	Orig Y-CIN (CFS)			INLET TIME		LENGTH	SLOPE	DIAM	CAPACITY	VELOCITY	FLOW TIME	REMARKS
		INCREMENT	ACCUMULATED	TOTAL	MINI	PERCENT	FT	%	IN.	PERCENT	FEET	MINUTES	
1	2	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
2	3	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
3	4	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
4	5	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
5	6	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
6	7	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
7	8	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
8	9	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
9	10	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
10	11	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
11	12	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
12	13	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
13	14	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
14	15	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
15	16	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
16	17	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
17	18	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
18	19	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
19	20	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
20	21	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
21	22	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
22	23	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
23	24	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
24	25	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
25	26	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
26	27	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
27	28	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
28	29	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
29	30	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
30	31	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100
31	32	13	14	13	17	70	10	108	113	12	12	12	108 CFS @ 5.1 CFS/100
32	33	13	14	13	17	70	10	108	113	12	12	12	378 CFS @ 5.1 CFS/100

REMARKS: THE ABOVE INFORMATION WAS OBTAINED FROM THE FOLLOWING SOURCES:

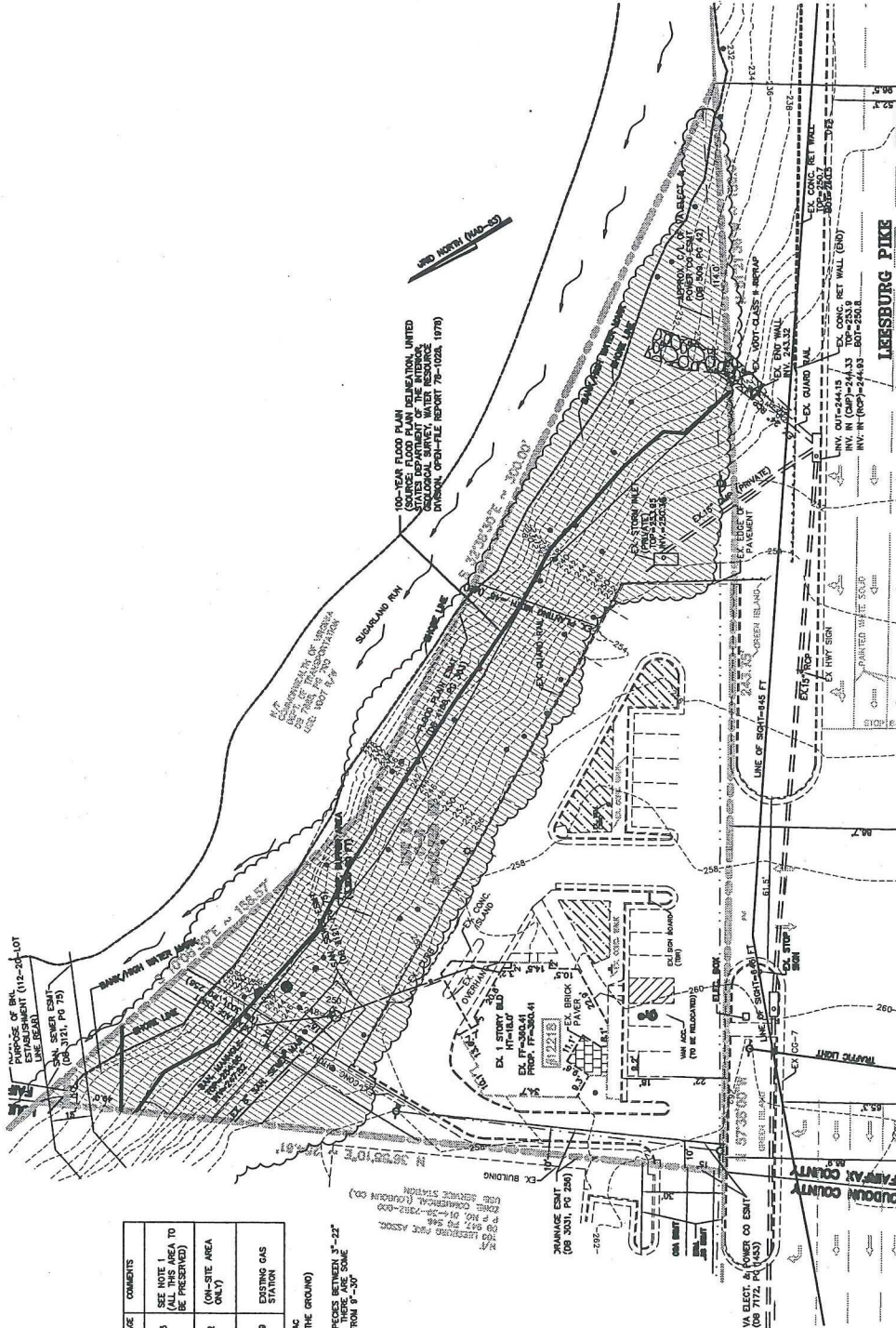
PREPARED BY
PROL K. BUNAGAR
1544 MA-5015A
DATE: 10-03-2011

EXISTING VEGETATION MAP (EVM) SUMMARY

COVER TYPE	PRIMARY SPECIES	SUCCESSIONAL STAGE	CONDITION	ADJACENT	COMMENTS
LOWLAND FOREST (N)	REDGEDAR, BLACK OAK, PINE, OAK, RED MAPLES, BRUNIS	PIONEER EARLY SUCCESSIONAL	POOR-FAIR	0.485	SEE NOTE 1 (AREA TO BE PRESERVED)
MANTAINED LANDSCAPE (P)	MANTAINED LAWN	N/A	GOOD	0.022	(ON-SITE AREA ONLY)
DEVELOPED (C)	N/A	N/A	N/A	0.459	EXISTING GAS STATION

TOTAL AREA=0.967 AC

NOTE: DBH: DIAMETER AT BREAST HEIGHT (MEASURED 4.5 FEET ABOVE THE GROUND)
THIS COVER TYPE CONTAINS EARLY SUCCESSORIAL PIONEER AND INVASIVE TREE SPECIES BETWEEN 3"-22"
DBH. THE UNDERSTORY CONTAINS THICK PATCHES OF HONEY SUGAR AND MUD ROSE. THERE ARE SOME
HARDWOOD TREE SPECIES WHICH ARE MAINTAINED LAWN AND MAPLE WITH DBH RANGING FROM 9"-30"



GRAPHICAL SCALE



THIS PLAN HAS BEEN PREPARED/REVIEWED BY AIA CERTIFIED
ARCHITECT.

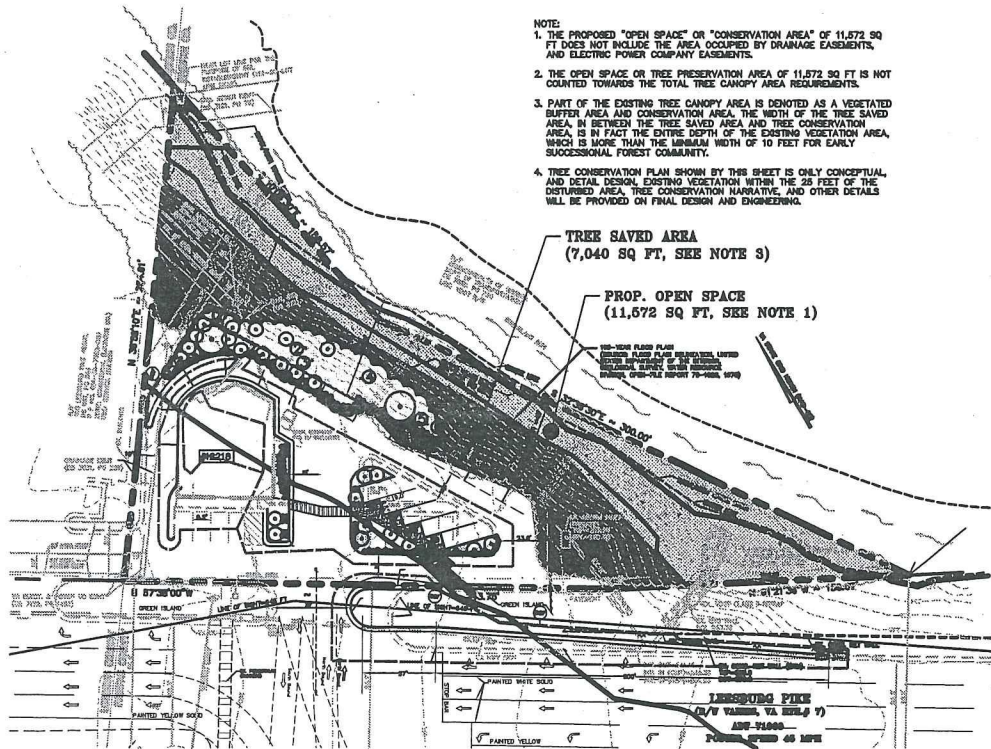
PROL K. BUNAGAR DATE 10-03-2011
CERTIFICATE NUMBER

EXISTING VEGETATION MAP (EVM)
LOT 16, STAGLAND PIKE
12218 LEESBURG PIKE
FAIRFAX COUNTY, VIRGINIA
TAX MAP# 006-1-((1))-18



AIA ENGINEERS, LLC
4300 WAKEFIELD CHAPEL ROAD
FALLS CHURCH, VA 22033
TEL: 703-553-2151
aiaengineers@yahoo.com

NO.	DATE	REVISION
1	10/03/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
2	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
3	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
4	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
5	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
6	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
7	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
8	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
9	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11
10	04/12/11	ISSUED FOR CITY REVIEW/REVISIONS 1-10/11



- NOTE:
1. THE PROPOSED "OPEN SPACE" OR "CONSERVATION AREA" OF 11,572 SQ FT DOES NOT INCLUDE THE AREA OCCUPIED BY DRAINAGE EASEMENTS, AND ELECTRIC POWER COMPANY EASEMENTS.
 2. THE OPEN SPACE OR TREE PRESERVATION AREA OF 11,572 SQ FT IS NOT COUNTED TOWARDS THE TOTAL TREE CANOPY AREA REQUIREMENTS.
 3. PART OF THE EXISTING TREE CANOPY AREA IS DENOTED AS A VEGETATED BUFFER AREA AND CONSERVATION AREA. THE WIDTH OF THE TREE SAVED AREA, IN BETWEEN THE TREE SAVED AREA AND TREE CONSERVATION AREA, IS IN FACT THE ENTIRE DEPTH OF THE EXISTING VEGETATION AREA, WHICH IS MORE THAN THE MINIMUM WIDTH OF 10 FEET FOR EARLY SUCCESSIONAL FOREST COMMUNITY.
 4. TREE CONSERVATION PLAN SHOWN BY THIS SHEET IS ONLY CONCEPTUAL, AND DETAIL DESIGN, EXISTING VEGETATION WITHIN THE 25 FEET OF THE DISTURBED AREA, TREE CONSERVATION NARRATIVE, AND OTHER DETAILS WILL BE PROVIDED ON FINAL DESIGN AND ENGINEERING.

TREE SAVED AREA
(7,040 SQ FT, SEE NOTE 3)

PROP. OPEN SPACE
(11,572 SQ FT, SEE NOTE 1)

LEGEND

LIMIT OF DISTURBANCE

- PROP. OPEN SPACE
- TREE SAVED AREA
- VEGETATED BUFFER AREA (VBCA)
- PROP. UNDERSTORY
- PROP. OVERSTORY
- PROP. SHRUBS
- EX. TREE

TABLE 12.12 10-YEAR TREE CANOPY CALCULATION WORKSHEET

A. TREE PRESERVATION TARGET AND STATEMENT	
A1	PRE-DEVELOPMENT AREA OF EXISTING TREE CANOPY (FROM EXISTING VEGETATION MAP) 21562 SF
A2	PERCENTAGE OF GROSS SITE AREA COVERED BY EXISTING TREE CANOPY+ 51%
A3	PERCENTAGE OF 10-YEAR TREE CANOPY REQUIRED FOR SITE (SEE TABLE 12.4)+ 10%
A4	PERCENTAGE OF THE 10-YEAR TREE CANOPY REQUIREMENT THAT SHOULD BE MET THROUGH TREE PRESERVATION+ 50.7%
A5	PROPOSED PERCENTAGE OF CANOPY REQUIREMENT THAT WILL BE MET THROUGH TREE PRESERVATION+ 165.5%
A6	HAS THE TREE PRESERVATION TARGET MINIMUM BEEN MET? YES
A7	IF NO FOR A6, THEN SHEET NUMBER WHERE DEVIATION REQUEST IS LOCATED N/A
A8	IF STEP G REQUIRES A NARRATIVE, IT SHALL BE PREPARED IN ACCORDANCE WITH § 12-0507.4 N/A
B. TREE CANOPY REQUIREMENT	
B1	GROSS SITE AREA+ 42535 SF
B2	SUBTRACT TO PARKS, ROAD FRONTAGE AND OTHERS+ 0 SF
B3	SUBTRACT AREA OF EXEMPTIONS+ 0 SF
B4	ADJUSTED GROSS SITE AREA 981-82+ 42535 SF
B5	SITE ZONE/USE+ C-8
B6	PERCENT OF 10-YEAR TREE CANOPY REQUIREMENTS+ 10%
B7	AREA OF 10-YEAR TREE CANOPY REQUIRED (B4x B5)+ 4254 SF
B8	MODIFICATION OF 10-YEAR TREE CANOPY REQUIREMENT REQUESTED? NO
B9	IF B8 IS YES, THEN LIST PLAN SHEET WHERE MODIFICATION REQUEST IS LOCATED+ N/A
C. TREE PRESERVATION	
C1	TREE PRESERVATION TARGET AREA+ 2156 SF
C2	TOTAL CANOPY AREA MEETING STANDARDS OF § 12-0200+ 0 SF
C3	TOTAL CANOPY AREA PROVIDED BY UNIQUE OR VALUABLE FOREST OR WOODLAND COMMUNITIES+ 0 SF
C4	TOTAL CANOPY AREA PROVIDED BY "HERITAGE", "MEMORIAL", "SPECIMEN" OR "STREET" TREES+ 0 SF
C5	TOTAL CANOPY AREA PROVIDED BY "HERITAGE", "MEMORIAL", "SPECIMEN" OR "STREET" TREES+ 0 SF
C6	CANOPY OF TREES WITHIN THE RESOURCE PROTECTION AREAS AND 100-YEAR FLOOD PLANE+ 7040 SF
C7	TOTAL OF C3, C5, C7 AND C8+ 7040 SF
D. TREE PLANTING	
D1	AREA OF CANOPY TO BE MET THROUGH TREE PLANTING (B7-C10)+ 0 SF
D2	AREA OF CANOPY PLANTED FOR AIR QUALITY BENEFITS+ 0 SF
D3	AREA OF TREE PLANTED FOR ENERGY CONSERVATION+ 0 SF
D4	AREA OF TREE PLANTED FOR WATER QUALITY BENEFITS+ 2950 SF
D5	AREA OF TREE PLANTED FOR WILDLIFE BENEFITS+ 2950 SF
D6	AREA OF CANOPY PROVIDED BY NATIVE TREES+ 0 SF
D7	AREA OF CANOPY PROVIDED BY IMPROVED CULTIVARS AND VARIETIES+ 0 SF
D8	AREA OF CANOPY PROVIDED THROUGH TREE SEEDLINGS+ 0 SF
D9	PERCENTAGE OF D14 REPRESENTED BY D15+ 0 SF
D10	TOTAL OF CANOPY AREA PROVIDED THROUGH TREE PLANTING+ 2950 SF
D11	IS AN OFFSITE PLANTING RELIEF REQUESTED? NO
D12	TREE BANK OR TREE FUND? § 12-0511+ NO
D13	CANOPY AREA REQUESTED TO BE PROVIDED THROUGH OFFSITE BANKING OR TREE FUND+ 0 SF
D14	AMOUNT TO BE DEPOSITED INTO THE TREE PRESERVATION AND PLANTING FUND+ 0 SF
E. TOTAL OF 10-YEAR TREE CANOPY PROVIDED	
E1	TOTAL OF CANOPY AREA PROVIDED THROUGH TREE PRESERVATION+ 7040 SF
E2	TOTAL OF CANOPY AREA PROVIDED THROUGH TREE PLANTING+ 2950 SF
E3	TOTAL OF CANOPY AREA PROVIDED THROUGH OFFSITE MECHANISM (D19)+ 0 SF
	TOTAL TREE CANOPY AREA+ 9990 SF

NOTE:
THE PROPOSED "OPEN SPACE" OR "CONSERVATION AREA" OF 11,572 SQ FT OR 27.2% IS NOT INCLUDED ON THE TOTAL TREE COVERAGE CANOPY COMPUTATIONS ABOVE. THE GROSS TREE CANOPY AREA ON THE LOT WITH THE CONSERVATION AREA WILL BE 27.2%+23.0%=50.2% OR 21,562 SQ FT.

TREE PLANTING FOR BUFFER AREA ESTABLISHMENT

PLANTING SCHEDULE

OVERSTORY TREES-100x4.078-8 COUNTS (© 100 COUNTS/ACRE PER 118-3-3(1))

KEY	SYMBOL	COMMON NAME	SIZE	CONDITION	10-YR. CANOPY (SQ FT)	TOTAL (SQ FT)
01		White oak	10-24" DBH	3	100	300
02		Pin oak	10-24" DBH	3	100	300
Sub-total= 2						TOTAL 300 SF

Note: Existing 6 overstory trees will be credited towards the total of 8 overstory trees.

UNDERSTORY TREES-200x0.078-15 COUNTS (© 200 COUNTS/ACRE PER 118-3-3(1))

KEY	SYMBOL	COMMON NAME	SIZE	CONDITION	10-YR. CANOPY (SQ FT)	TOTAL (SQ FT)
01		Pin oak	10-24" DBH	3	100	300
02		Pin oak	10-24" DBH	3	100	300
03		Pin oak	10-24" DBH	3	100	300
04		Pin oak	10-24" DBH	3	100	300
05		Pin oak	10-24" DBH	3	100	300
06		Pin oak	10-24" DBH	3	100	300
07		Pin oak	10-24" DBH	3	100	300
08		Pin oak	10-24" DBH	3	100	300
09		Pin oak	10-24" DBH	3	100	300
10		Pin oak	10-24" DBH	3	100	300
11		Pin oak	10-24" DBH	3	100	300
12		Pin oak	10-24" DBH	3	100	300
13		Pin oak	10-24" DBH	3	100	300
14		Pin oak	10-24" DBH	3	100	300
15		Pin oak	10-24" DBH	3	100	300
Sub-total=15						TOTAL 2,550 SF

SHRUBS-0.078x1089-85 COUNTS (© 1089 COUNTS/ACRE PER 118-3-3(1))

KEY	SYMBOL	COMMON NAME	SIZE	CONDITION
01		Shrub	12-18" DBH	1
02		Shrub	12-18" DBH	1
03		Shrub	12-18" DBH	1
04		Shrub	12-18" DBH	1
05		Shrub	12-18" DBH	1
06		Shrub	12-18" DBH	1
07		Shrub	12-18" DBH	1
08		Shrub	12-18" DBH	1
09		Shrub	12-18" DBH	1
10		Shrub	12-18" DBH	1
11		Shrub	12-18" DBH	1
12		Shrub	12-18" DBH	1
13		Shrub	12-18" DBH	1
14		Shrub	12-18" DBH	1
15		Shrub	12-18" DBH	1
16		Shrub	12-18" DBH	1
17		Shrub	12-18" DBH	1
18		Shrub	12-18" DBH	1
19		Shrub	12-18" DBH	1
20		Shrub	12-18" DBH	1
21		Shrub	12-18" DBH	1
22		Shrub	12-18" DBH	1
23		Shrub	12-18" DBH	1
24		Shrub	12-18" DBH	1
25		Shrub	12-18" DBH	1
26		Shrub	12-18" DBH	1
27		Shrub	12-18" DBH	1
28		Shrub	12-18" DBH	1
29		Shrub	12-18" DBH	1
30		Shrub	12-18" DBH	1
31		Shrub	12-18" DBH	1
32		Shrub	12-18" DBH	1
33		Shrub	12-18" DBH	1
34		Shrub	12-18" DBH	1
35		Shrub	12-18" DBH	1
36		Shrub	12-18" DBH	1
37		Shrub	12-18" DBH	1
38		Shrub	12-18" DBH	1
39		Shrub	12-18" DBH	1
40		Shrub	12-18" DBH	1
41		Shrub	12-18" DBH	1
42		Shrub	12-18" DBH	1
43		Shrub	12-18" DBH	1
44		Shrub	12-18" DBH	1
45		Shrub	12-18" DBH	1
46		Shrub	12-18" DBH	1
47		Shrub	12-18" DBH	1
48		Shrub	12-18" DBH	1
49		Shrub	12-18" DBH	1
50		Shrub	12-18" DBH	1
51		Shrub	12-18" DBH	1
52		Shrub	12-18" DBH	1
53		Shrub	12-18" DBH	1
54		Shrub	12-18" DBH	1
55		Shrub	12-18" DBH	1
56		Shrub	12-18" DBH	1
57		Shrub	12-18" DBH	1
58		Shrub	12-18" DBH	1
59		Shrub	12-18" DBH	1
60		Shrub	12-18" DBH	1
61		Shrub	12-18" DBH	1
62		Shrub	12-18" DBH	1
63		Shrub	12-18" DBH	1
64		Shrub	12-18" DBH	1
65		Shrub	12-18" DBH	1
66		Shrub	12-18" DBH	1
67		Shrub	12-18" DBH	1
68		Shrub	12-18" DBH	1
69		Shrub	12-18" DBH	1
70		Shrub	12-18" DBH	1
71		Shrub	12-18" DBH	1
72		Shrub	12-18" DBH	1
73		Shrub	12-18" DBH	1
74		Shrub	12-18" DBH	1
75		Shrub	12-18" DBH	1
76		Shrub	12-18" DBH	1
77		Shrub	12-18" DBH	1
78		Shrub	12-18" DBH	1
79		Shrub	12-18" DBH	1
80		Shrub	12-18" DBH	1
81		Shrub	12-18" DBH	1
82		Shrub	12-18" DBH	1
83		Shrub	12-18" DBH	1
84		Shrub	12-18" DBH	1
85		Shrub	12-18" DBH	1
Sub-total=85				

GROUND COVER WILL BE PROVIDED THROUGH USE OF ERNST SEEDMIX - ERNMX-138 - SEE SHEET 3

EXISTING TREE INVENTORY (CREDITED TOWARDS GREENBUFFER)

SYMBOL	EXISTING TREE	CALIPER (INCH)	REMARKS	RECOMMENDATION
1	Hickory	7	Remain	Will survive the construction
2	Pin oak	8	Remain	Will survive the construction
3	Pin oak	10	Remain	Will survive the construction
4	White oak	27	Remain	Will survive the construction
5	Pin oak	10	Remain	Will survive the construction
6	Tulip Poplar	12	Remain	Will survive the construction

THIS PLAN AND COMPUTATIONS HAVE BEEN PREPARED/REVIEWED BY ISA CERTIFIED ARBORIST.

PREM K BHANDARI DATE 11-1-2018 CERTIFICATE NUMBER

TREE CONSERVATION PLAN
LOT 18, SUGARMOUND RUN
12218 LEESBURG PIKE
FAIRFAX COUNTY, VIRGINIA



AMLA ENGINEERS, LLC
4508 WAKEFIELD CHURCH ROAD
ANNANDALE, VA 22003
TEL 703-655-2151
amlengineers@yahoo.com

KEY	SYMBOL	COMMON NAME	SIZE	CONDITION
01		Shrub	12-18" DBH	1
02		Shrub	12-18" DBH	1
03		Shrub	12-18" DBH	1
04		Shrub	12-18" DBH	1
05		Shrub	12-18" DBH	1
06		Shrub	12-18" DBH	1
07		Shrub	12-18" DBH	1
08		Shrub	12-18" DBH	1
09		Shrub	12-18" DBH	1
10		Shrub	12-18" DBH	1
11		Shrub	12-18" DBH	1
12		Shrub	12-18" DBH	1
13		Shrub	12-18" DBH	1
14		Shrub	12-18" DBH	1
15		Shrub	12-18" DBH	1
16		Shrub	12-18" DBH	1
17		Shrub	12-18" DBH	1
18		Shrub	12-18" DBH	1
19		Shrub	12-18" DBH	1
20		Shrub	12-18" DBH	1
21		Shrub	12-18" DBH	1
22		Shrub	12-18" DBH	1
23		Shrub	12-18" DBH	1
24		Shrub	12-18" DBH	1
25		Shrub	12-18" DBH	1
26		Shrub	12-18" DBH	1
27		Shrub	12-18" DBH	1
28		Shrub	12-18" DBH	1
29		Shrub	12-18" DBH	1
30		Shrub	12-18" DBH	1
31		Shrub	12-18" DBH	1
32		Shrub	12-18" DBH	1
33		Shrub	12-18" DBH	1
34		Shrub	12-18" DBH	1
35		Shrub	12-18" DBH	1
36		Shrub	12-18" DBH	1
37		Shrub	12-18" DBH	1
38		Shrub	12-18" DBH	1
39		Shrub	12-18" DBH	1
40		Shrub	12-18" DBH	1
41		Shrub	12-18" DBH	1
42		Shrub	12-18" DBH	1
43		Shrub	12-18" DBH	1
44		Shrub	12-18" DBH	1
45		Shrub	12-18" DBH	1
46		Shrub	12-18" DBH	1
47		Shrub	12-18" DBH	1
48		Shrub	12-18" DBH	1
49		Shrub	12-18" DBH	1
50		Shrub	12-18" DBH	1
51		Shrub	12-18" DBH	1
52		Shrub	12-18" DBH	1
53		Shrub	12-18" DBH	1
54		Shrub	12-18" DBH	1
55		Shrub	12-18" DBH	1
56		Shrub	12-18" DBH	1
57		Shrub	12-18" DBH	1
58		Shrub	12-18" DBH	1
59		Shrub	12-18" DBH	1
60		Shrub	12-18" DBH	1
61		Shrub	12-18" DBH	1
62		Shrub	12-18" DBH	1
63		Shrub	12-18" DBH	1
64		Shrub	12-18" DBH	1
65		Shrub	12-18" DBH	1
66		Shrub	12-18" DBH	1
67		Shrub	12-18" DBH	1
68		Shrub	12-18" DBH	1
69		Shrub	12-18" DBH	1
70		Shrub	12-18" DBH	1
71		Shrub	12-18" DBH	1
72		Shrub	12-18" DBH	1
73		Shrub	12-18" DBH	1
74		Shrub	12-18" DBH	1
75		Shrub	12-18" DBH	1

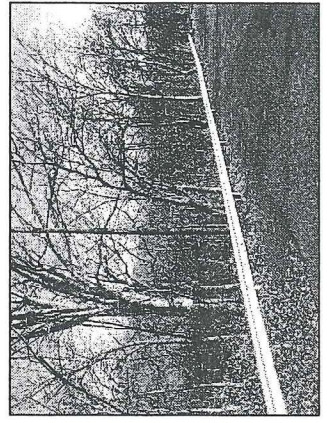
DATE	12/3/09
BY	AMT
REVISION	
1	12/3/09
2	12/3/09
3	12/3/09
4	12/3/09
5	12/3/09
6	12/3/09
7	12/3/09
8	12/3/09
9	12/3/09
10	12/3/09
11	12/3/09
12	12/3/09
13	12/3/09
14	12/3/09
15	12/3/09
16	12/3/09
17	12/3/09
18	12/3/09
19	12/3/09
20	12/3/09
21	12/3/09
22	12/3/09
23	12/3/09
24	12/3/09
25	12/3/09
26	12/3/09
27	12/3/09
28	12/3/09
29	12/3/09
30	12/3/09
31	12/3/09
32	12/3/09
33	12/3/09
34	12/3/09
35	12/3/09
36	12/3/09
37	12/3/09
38	12/3/09
39	12/3/09
40	12/3/09
41	12/3/09
42	12/3/09
43	12/3/09
44	12/3/09
45	12/3/09
46	12/3/09
47	12/3/09
48	12/3/09
49	12/3/09
50	12/3/09
51	12/3/09
52	12/3/09
53	12/3/09
54	12/3/09
55	12/3/09
56	12/3/09
57	12/3/09
58	12/3/09
59	12/3/09
60	12/3/09
61	12/3/09
62	12/3/09
63	12/3/09
64	12/3/09
65	12/3/09
66	12/3/09
67	12/3/09
68	12/3/09
69	12/3/09
70	12/3/09
71	12/3/09
72	12/3/09
73	12/3/09
74	12/3/09
75	12/3/09
76	12/3/09
77	12/3/09
78	12/3/09
79	12/3/09
80	12/3/09
81	12/3/09
82	12/3/09
83	12/3/09
84	12/3/09
85	12/3/09
86	12/3/09
87	12/3/09
88	12/3/09
89	12/3/09
90	12/3/09
91	12/3/09
92	12/3/09
93	12/3/09
94	12/3/09
95	12/3/09
96	12/3/09
97	12/3/09
98	12/3/09
99	12/3/09
100	12/3/09

AMT ENGINEERS, LLC
 4300 WAKEFIELD CHAPEL ROAD
 ANNANDALE, VA 22003
 TEL: 703-655-2151
 amenginc@earthlink.net

PROFESSIONAL ENGINEER
 STATE OF VIRGINIA
 EX. 10, 00000

SITE PHOTOGRAPHS
LOT 18, SUGARLAND RUN
12218 LEBURG PIKE
 TAX MAP# 006-1-((1))-18
 DISTRICT: BALTIMORE
 VIRGINIA

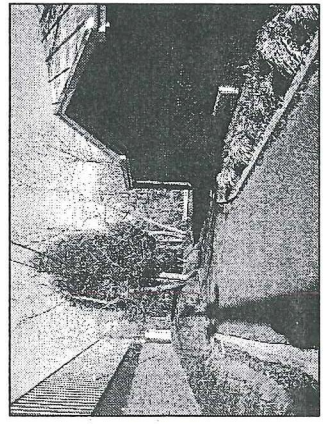
DATE	12/3/09
BY	AMT
REVISION	
1	12/3/09
2	12/3/09
3	12/3/09
4	12/3/09
5	12/3/09
6	12/3/09
7	12/3/09
8	12/3/09
9	12/3/09
10	12/3/09
11	12/3/09
12	12/3/09
13	12/3/09
14	12/3/09
15	12/3/09
16	12/3/09
17	12/3/09
18	12/3/09
19	12/3/09
20	12/3/09
21	12/3/09
22	12/3/09
23	12/3/09
24	12/3/09
25	12/3/09
26	12/3/09
27	12/3/09
28	12/3/09
29	12/3/09
30	12/3/09
31	12/3/09
32	12/3/09
33	12/3/09
34	12/3/09
35	12/3/09
36	12/3/09
37	12/3/09
38	12/3/09
39	12/3/09
40	12/3/09
41	12/3/09
42	12/3/09
43	12/3/09
44	12/3/09
45	12/3/09
46	12/3/09
47	12/3/09
48	12/3/09
49	12/3/09
50	12/3/09
51	12/3/09
52	12/3/09
53	12/3/09
54	12/3/09
55	12/3/09
56	12/3/09
57	12/3/09
58	12/3/09
59	12/3/09
60	12/3/09
61	12/3/09
62	12/3/09
63	12/3/09
64	12/3/09
65	12/3/09
66	12/3/09
67	12/3/09
68	12/3/09
69	12/3/09
70	12/3/09
71	12/3/09
72	12/3/09
73	12/3/09
74	12/3/09
75	12/3/09
76	12/3/09
77	12/3/09
78	12/3/09
79	12/3/09
80	12/3/09
81	12/3/09
82	12/3/09
83	12/3/09
84	12/3/09
85	12/3/09
86	12/3/09
87	12/3/09
88	12/3/09
89	12/3/09
90	12/3/09
91	12/3/09
92	12/3/09
93	12/3/09
94	12/3/09
95	12/3/09
96	12/3/09
97	12/3/09
98	12/3/09
99	12/3/09
100	12/3/09



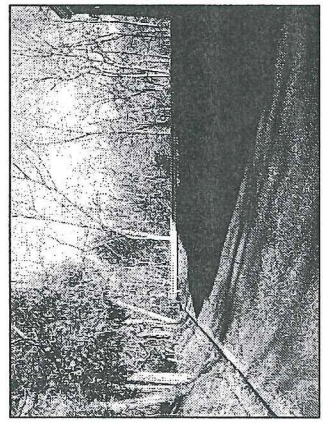
VIEW#6
SCALE: N.T.S.



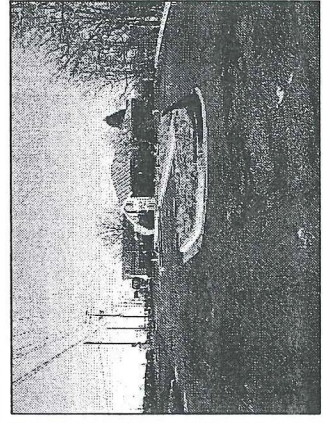
VIEW#7
SCALE: N.T.S.



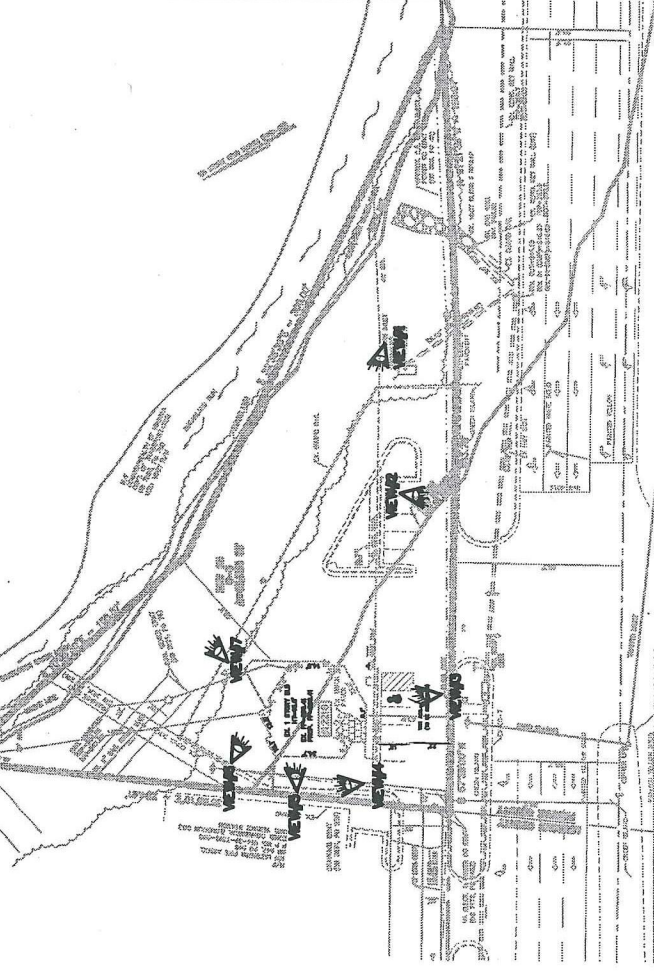
VIEW#5
SCALE: N.T.S.



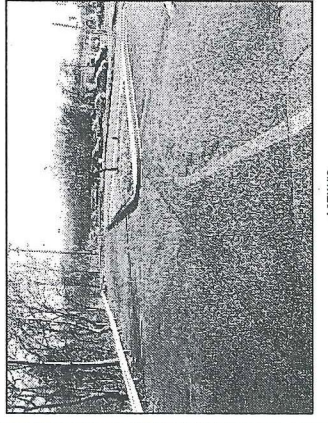
VIEW#4
SCALE: N.T.S.



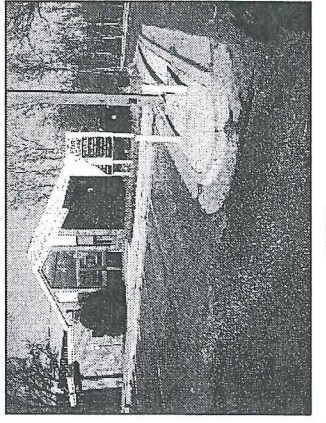
VIEW#1
SCALE: N.T.S.



EX. SITE PLAN
SCALE: 1"=50'



VIEW#2
SCALE: N.T.S.



VIEW#3
SCALE: N.T.S.

NOTE: ALL THE PHOTOGRAPHS SHOWN ON THIS SHEET ARE TAKE ON DECEMBER 3, 2009.

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS CAN BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special exception, SE 2010-DR-019, to permit the conversion of an existing drive-in financial institution to a fast food restaurant with a drive-through.

WAIVERS & MODIFICATIONS REQUESTED:

- Waiver of the trail requirement along the north side of Route 7 (Leesburg Pike).
- Modification of the transitional screening requirement along the northeastern property line.
- Waiver of the barrier requirement along the northeastern property line.

LOCATION AND CHARACTER

The subject property is located on the north side of Route 7 (Leesburg Pike), across from its intersection with Dranesville Road, which is a signalized intersection.

The property is zoned C-8 and contains 42,535 square feet. The property is on the north and east by Sugarland Run and the bordered open space associated with the Holly Knoll subdivision, on the south, across Route 7 (Leesburg Pike), by a service station and a shopping center with a bank and a fast food restaurant most proximate to Route 7 (Leesburg Pike). Auto parts (tire and battery) stores are located to the northwest of the subject site in Loudoun County.

See the following table and aerial photo for further clarification.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
Northern	Sugarland Run	R-1	Public Park
Southern (across Route 7)	Commercial (service station, bank and fast food)	C-8	Retail and Other
Eastern	Open space, SFD (Holly Knoll Subdivision)	R-1	Public Park, .2-.5 DU/AC
Northwestern	Commercial (Tire and Battery Store)	Commercial (Loudoun County)	N/A



BACKGROUND

- On May 2, 1975, a site plan for a drive-in bank (Citizens National Bank of Herndon) was approved. This use was permitted pursuant to a prior Zoning Ordinance which allowed drive-in banks by right in the C-8 district.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area:	Area III
Planning District:	Upper Potomac Planning District
Planning Sector:	UP2 Springvale Community Planning Sector
Plan Map:	Retail and Other

Plan Text:

In the Area III Volume of the Comprehensive Plan, 2011 Edition, amended through March 6, 2012, Upper Potomac Planning District, UP2 Springvale Community Planning Sector, pages 89-97, the Plan states (in part):

"The Springvale Community Planning Sector is largely developed as stable low density residential areas. Infill development in these residential areas should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14."

"3. Commercial uses should be neighborhood-serving and confined to existing commercial areas as shown on the Plan map."

"6. In this planning sector, uses requiring special permits and special exception approval should be rigorously reviewed and permitted only when the use is of a size and scale that will not adversely impact adjacent land uses and the overall low density residential character of the area. [Not shown]"

"7. The Route 7 Corridor is planned for and should continue to be reserved for residential development. Industrial, office, research and development (R&D), and retail commercial uses are not appropriate in the Route 7 Corridor. Uses requiring special permits and special exception approval should be rigorously reviewed and permitted only when the use is of a size and scale that will not adversely impact adjacent land uses and the overall low density residential character of the corridor in order to prevent commercial or quasi-commercial encroachment. [Not shown]"

Additional relevant plan text and the plan map can be found in Appendix 4.

ANALYSIS**Special Exception Plat**

(Copy at front of staff report)

Title of SE Plat:

Special Exception Plat, Popeyes Restaurant

Prepared By:

AMA Engineers, LLC

Original and Revision Dates:

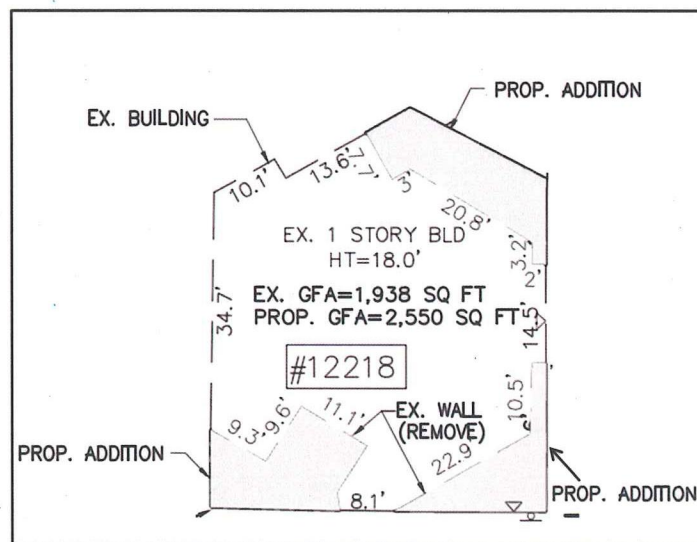
October 10, 2010, as revised through June 2, 2012

The SE Plat consists of 11 sheets (note: there is a Sheet 4 and a Sheet 4.1); an index is included on Sheet 1 of the SE Plat.

Description of Proposal:

The applicant, Sivnam Partnership, LLC, is requesting Special Exception approval to permit the conversion of an existing drive-in financial institution to a fast food restaurant with a drive-through. The site will be only slightly modified for this conversion as stated below:

- The existing building contains 1,938 square feet. Approximately 612 square feet of gross floor area will be added to the building and will consist of "filling in" various nooks and crannies of the existing, irregularly shaped building (see graphic below and also at the top of Sheet 4 of the SE Plat). The total square footage of the building is proposed to be 2,550 square feet. [The next page shows the existing and proposed building.]



EX./PROP. BUILDING FOOTPRINT

(SCALE 1"=20')

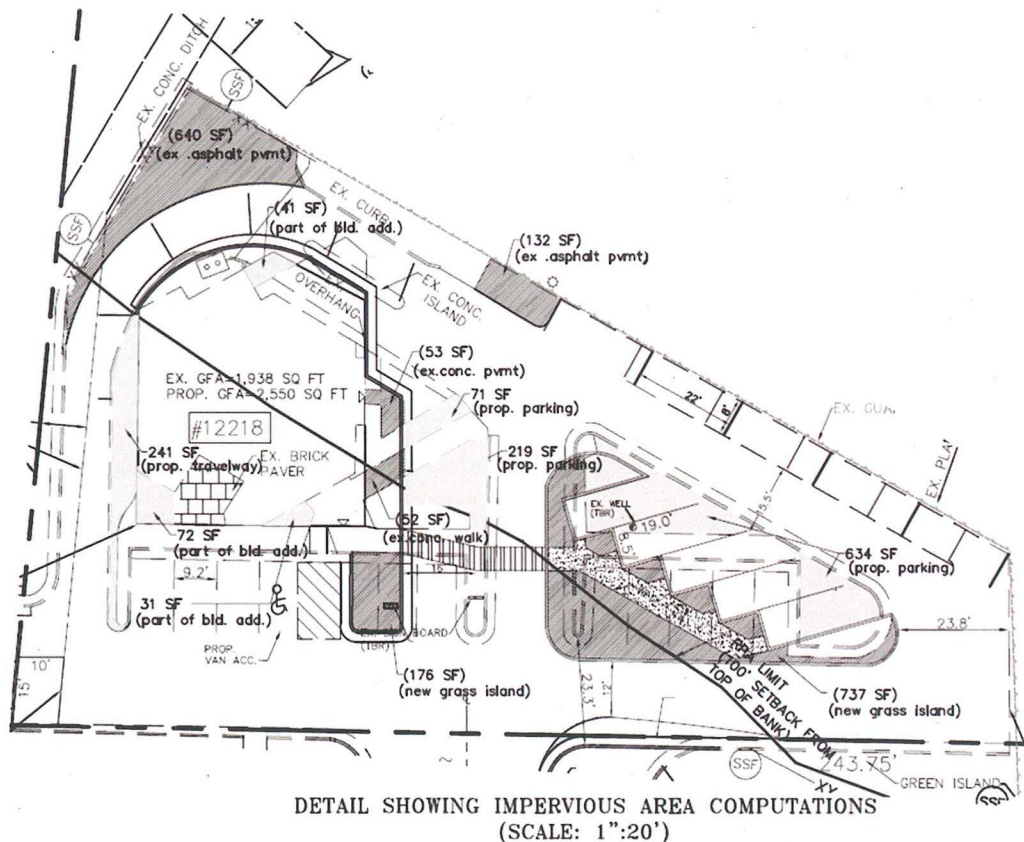


Existing







Proposed

- Approximately 1,790 square feet of existing impervious surface will be replaced with green space and approximately 1,309 square feet of impervious surface will be added (including the building additions) resulting in a net loss of impervious surface of 481 square feet. The new impervious surface consists of squaring off the building, and filling in some grassed areas around the building. Approximately 640 square feet of existing impervious area in the northwestern portion of the developed area of the site will be replaced with green space, as well as areas to the east of the building consisting of 53 square feet, and 52 square feet respectively. Also, 132 square feet of the travelway in the rear of the site will be replaced with green space. A new grass island will be added to the parking lot, consisting of 176 square feet. In addition, asphalt will be removed from an area (737 square feet) in front of the angled parking spaces and replaced with grass. These areas are graphically depicted below and also in the upper right hand corner of Sheet 4 of the Special Exception Plat.



Key:

-  Dark grey shading indicates the existing impervious area to be removed and replaced with grass.
-  Light grey shading indicates new impervious area to be added.
-  The mottled dark grey shading indicates a proposed five foot wide walkway that will serve to connect the parking area to the restaurant.
-  The striped lines indicate a proposed crosswalk that will connect the new walkway to an existing concrete walkway.

- Internal circulation of the site will be reconfigured.
- An existing pedestrian crossing from the site crossing Route 7 (Leesburg Pike) will be maintained.
- Nine parking spaces are required (one space per two seats, proposing 18 seats) and nine parking spaces are proposed to be provided, including one (van accessible) parking space.
- The required eleven stacking spaces for the drive-in window, with a minimum of five such spaces designated for the ordering station has been provided.
- The required loading space is provided.
- Three bicycle racks for six bicycles are proposed.
- A free-standing sign is proposed to be located in the landscaped parking lot island located just east of the (van accessible) parking space.
- The drive-through window area for the fast food restaurant will be on the west side of the building and will be a single lane window. The existing bank drive-in was a double lane area located in the back of the building.

The site contains a Resource Protection Area (RPA) which was encroached upon with the original development of the site in the 1970s. No further encroachment into the RPA is proposed; total impervious surface area will be reduced with green vegetated area as mentioned above. The applicant has stated in their application that a waiver for encroachment to the mapped Resource Protection Area (RPA) will be sought for approval and the pertinent waiver/documents have been concurrently submitted for approval. However, since no further encroachment into the RPA is proposed and the impervious surface will not increase with this application, the proposal is considered "redevelopment" and this waiver is not needed.

Operation Details:

Type of operation: Fast food restaurant with 18 seats and a drive-through

Hours of operation: 7:00 am to 11:00 pm, daily

Number of employees: Five.

Access: Access to the site is provided via an existing curb cut off Route 7 (Leesburg Pike).

Landscaping (Sheet 8):

Along the northeastern property line, a densely wooded area exists that varies in width from 43 feet to 69 feet for a length of over 300 feet. This area is located from the edge of the parking lot, travelling down steep topography to Sugarland Run creek. The property line roughly follows the edge of the creek. On the other side of the creek, the wooded area continues, providing an effective buffer to the residential properties located further to the northeast. The primary species located in the wooded area consists of Red Cedar, Black Locust, Black Cherry, Pin Oak, and Red Maple.

In addition to the natural wooded area that exists on the site, the applicant is proposing landscaping along the north and northeastern sides of the driveway and along the eastern side of the building. The applicant is proposing to keep six existing canopy trees that range in size from 7" caliper to 27" caliper. Moreover, the applicant is proposing to plant two canopy trees and 15 understory trees. A total of 85 shrubs are proposed to be planted in the landscaped area north and northeast of the driveway and along the eastern side of the building.

Land Use Analysis (Appendix 4)

As stated previously, the Comprehensive Plan designates the subject property as "Retail and Other." Further, the plan states that special exception uses in the Route 7 Corridor should only be permitted when the use is of a size and scale that will not adversely impact adjacent land uses. The plan adds that commercial encroachment is to be discouraged. Since the proposed use, a fast food restaurant, is replacing a drive-in bank, the commercial corridor is not being expanded.

The property has not been used for over ten years. The building and site are in disrepair. Reusing the site, improving it, maintaining it, and putting the property back on the tax rolls as a retail use will prove to be of benefit to the community.

The gross floor area of the restaurant is proposed to be 2,550 square feet. The lot contains 42,535 square feet for a total FAR of 0.06. Staff believes that the proposed use is of a size and scale that will not adversely impact adjacent land uses. The most proximate uses are two automobile parts stores. Across Route 7 (Leesburg Pike) are a service station and a shopping mall. The Holly Knoll Subdivision is located at least 600' away to the east and is separated from the subject site by a heavily wooded area, steep topography and a creek. The site cannot be seen from the subdivision. Therefore, Staff believes that the fast food restaurant is a reasonable and appropriate use for this site and is in conformance with the recommendations of the Comprehensive Plan and the purpose and intent of the C-8 District.

Environmental Analysis (Appendix 5)

A large portion of the subject property is within a Resource Protection Area (RPA) with portions also within an Environmental Quality Corridor (EQC) of Sugarland Run. A majority of this area was previously developed as a bank use. No significant expansion of the existing impervious and disturbed areas is proposed with this application. Overall, there will be a net decrease in the amount of impervious surface by 481 square feet. The applicant has delineated the site specific resource protection area on the SE Plat. No additional encroachment into the RPA is expected by this plan. The lot also contains Flood Plain property and steep slopes. No land disturbance is proposed in either of these sensitive areas.

Green Building Design

Objective 13 of the Policy Plan on the Environment encourages green building design for new construction and redevelopment. Staff has written a development condition to encourage the applicant to incorporate green building technologies and strategies while redeveloping the site and building. The applicant has agreed to include these green building practices.

Storm Water Management Analysis (Appendix 6)

A conservation easement is proposed to provide the required water quality controls. In addition, the applicant proposes to meet the storm water detention requirements by decreasing the impervious surface by 481 square feet and by demonstrating adequate outfall. An approved Water Quality Impact Assessment (WQIA) will be required before site plan approval.

Transportation Analysis (Appendix 7)

Based on the ITE, Trip Generation Manual (7th Edition), a fast food restaurant use with a drive-through window will generate approximately 1,265 vehicles per day (VPD) and will have a vehicle peak hour (VPH) generation rate of 151 VPH. This proposed use is not considered to substantially affect the transportation network and is, therefore, exempt from VDOT Chapter 527 traffic study requirements.

Issue:

Due to newly adopted VDOT standards, this type of use, a fast food restaurant with a drive-through, requires the applicant to construct a right turn lane along Route 7 (Leesburg Pike) at the entrance to the site.

Resolution:

This application first came before Staff in August 2010 but due to this VDOT requirement of the right turn lane, the applicant deferred their application until this issue could be clarified and resolved with VDOT.

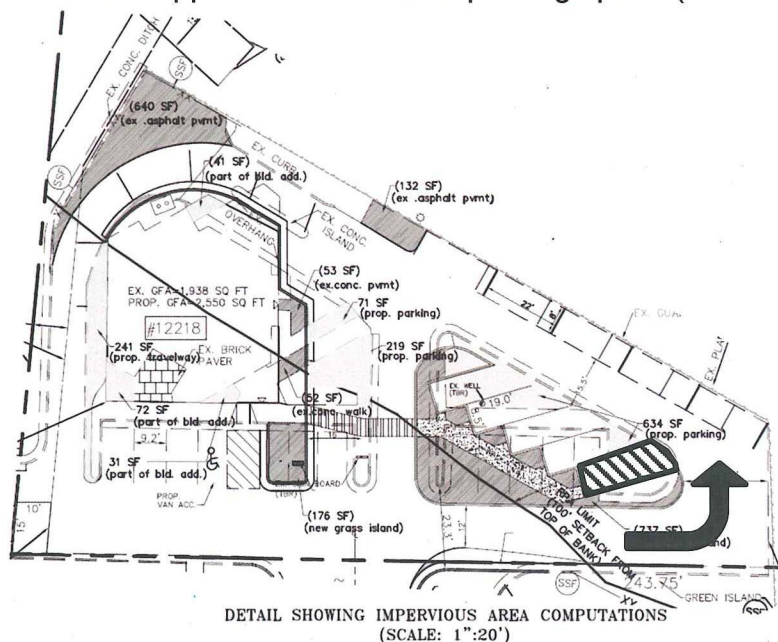
The applicant did resolve all concerns with VDOT and is now proposing to provide the right turn lane to VDOT's specification (see Sheet 4.1). VDOT has reviewed the applicant's plat and has concluded that the proposed right turn lane along Route 7 (Leesburg Pike) is adequate and has an adequate taper and storage length.

Issue:

The site's parking and internal circulation is awkward.

Resolution:

Due to the site's irregular shape, existing conditions, including the location of the existing building and limited graded area, it is constrained and does not provide many design options. With the most recent SE plat submittal, it appears that what is proposed is adequate given all the existing site constraints. However, the vehicular turning radius for making a left turn around the angled parking spaces is tight. It would be best for the applicant to remove a parking space (see following graphic).



 - Difficult Parking Space

Yet, if this parking space were eliminated the applicant would not be able to meet the Zoning Ordinance minimum required parking. Therefore, Staff is recommending a development condition that this parking space be restricted to employee parking only in order to lessen the traffic activity of this space (entering and exiting the parking space) and minimize conflicts.

Urban Forest Management Analysis (Appendix 8)

In the most recent submittal, the applicant has addressed most of the urban forestry issues. As mentioned previously, there is a significant number of trees on site. Staff would like to assure adequate tree preservation and protection. A development condition has been written to address this concern.

ZONING ORDINANCE ANALYSIS (Appendix 9)

From the following table, it has been demonstrated that the applicant meets, or exceeds the Zoning Ordinance Bulk standards for the C-8 district.

Bulk Standards C-8 Zoning		
Standard	Required	Provided (Popeyes)
Lot Size	40,000 sq. ft. min.	42,535 square feet
Lot Width	200 feet min.	249.5 feet
Building Height	40 feet max.	18 feet
Front Yard	45 degree ABP, 40 feet min.	43.8 feet
Side Yard	None	18.9 feet
Rear Yard	20 feet*	145 feet
FAR	0.50	0.06
Open Space	15% of land area	60.2%
Parking Spaces	One (1) space per two (2) seats for table and/or counter seating, whether such seating facilities are inside or Outside 18 seats= 9 parking spaces	9
Stacking	Eleven (11) stacking spaces for the drive-in window, with a minimum of five (5) such spaces designated for the ordering station. Such spaces shall be designed so as not to impede pedestrians or vehicular circulation on the site or on any abutting street 11	11
Loading Spaces	One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 25,000 square feet or major fraction thereof.	1
Transitional Screening & Barrier: Transitional Screening 3 (50') and a Barrier (Type E, F, or G) are required along the northeastern property line, adjacent to residential development. The applicant has requested a modification of the required transitional screening and barrier, in favor of existing conditions and supplementation as shown on the SE Plat.		

*The plat indicates 25 feet. This is incorrect and should be corrected.

Requested Waivers and Modifications Analysis:Waiver of the trail requirement along the north side of Route 7 (Leesburg Pike)

The Countywide Trails Plan depicts a major paved trail along Route 7 (Leesburg Pike). The property immediately to the east of the subject site contains a large expanse of open space with no trail constructed. Because of the steep slope to Sugarland Run from the roadway, a trail would not be feasible along this portion of Route 7 (Leesburg Pike). The applicant proposes constructing a five foot wide walkway internal to the site which will provide access from the parking area to the restaurant. In addition, an existing pedestrian crossing from the site across Route 7 (Leesburg Pike) will be maintained. Staff supports this waiver for the paved trail (see Appendix 7).

Modification of the Transitional Screening 3 (50') requirement along the northeastern property line per Zoning Ordinance Section 13-305 (12), in favor of that shown on the SE Plat (Sheet 8)

A heavily wooded area exists along the northeastern property line that ranges in width from 43'-69' for a length of 300'. The applicant proposes to keep the existing mature trees and supplement this vegetation with trees and shrubs as listed in the proposed landscape schedule (Sheet 8). In addition, the applicant proposes a significant tree save and open space area of 11,572 square feet (Sheet 8). Staff supports this modification noting that additional landscaping within a densely wooded RPA may have a negative impact on the existing trees (Appendix 8).

Waiver of the Barrier requirement along the northeastern property line.

Just beyond the developed portion of the site, along the northeastern property line, the property drops off significantly to Sugarland Run. As mentioned previously, this portion of the site is heavily wooded. A barrier is not warranted at this location due to existing site conditions; therefore, Staff supports this waiver.

Zoning Ordinance Provisions (Appendix 9)General Special Exception Standards (Sect. 9-006)

Par. 1 requires that the proposed use be in harmony with the Comprehensive Plan. The Comprehensive Plan designates the subject parcel as "Retail and Other." The applicant proposes a retail use; specifically, a free-standing fast food restaurant with a drive-through. Therefore, Staff concludes that the proposed use is in harmony with the Comprehensive Plan and that this standard has been met.

Par. 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The intent and purpose of the C-8 (Highway Commercial) District is to provide "locations on heavily traveled collector and arterial highways for those commercial and service uses which (a) are oriented to the automobile, or (b) are uses which may require large land areas and good access, and (c) do not depend upon adjoining uses for reasons of comparison shopping or pedestrian trade." The proposed use, a fast food restaurant with a drive-through, is oriented to the automobile and this use does not depend upon adjoining uses for reasons of comparison shopping or pedestrian trade. Staff concludes that the proposed bank is consistent with the purpose and intent of the C-8 (Highway Commercial) District, therefore, this standard has been met.

Par. 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The application is to convert a building previously used as a drive-in financial institution into a fast food restaurant with a drive-through. The building and property have not been used for many years and show neglect. Re-using this property will benefit the area: the building will be brought up to code and green building practices, as specified in the development conditions, will be implemented. In addition, the overall impervious surface on site will be reduced and landscaping will be added. The property is located in a commercial section of Route 7 (Leesburg Pike) that contains a gas station, auto parts stores, and a shopping center with a bank and fast-food restaurant most adjacent to the subject property. A single-family subdivision (Holly Knoll Subdivision) is located at least 600' away to the east and is separated by a heavily wooded area, steep topography and a creek. The site cannot be seen from the subdivision. Staff concludes that the proposed use is harmonious with and will not adversely affect the use or development of neighboring properties nor impair the value thereof; therefore, this standard has been met.

Par. 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous nor conflict with existing and anticipated traffic in the neighborhood. The applicant is proposing to keep the existing on-site sidewalks and an existing pedestrian crossing from the site across Route 7 (Leesburg Pike). The applicant will add an additional walkway internally that will serve to connect the parking area to the restaurant. In addition, the applicant is proposing to construct a right turn lane along Route 7 (Leesburg Pike) that will have storage length and will include a taper. With these proposed improvements as shown on the SE Plat (Sheet 4) and detailed on Sheet 4.1, this standard has been met.

Par. 5 states that, in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. In lieu of the 50' wide Transitional Screening 3 requirement along the northeastern property line, the applicant proposes to retain existing vegetation that consists of a heavily wooded area ranging in width from 43'-69' for a length of 300'. In addition to the number of existing trees that will be saved, the applicant proposes planting two canopy trees, 15 understory trees and 85 shrubs. In addition, Staff is recommending development conditions to ensure effective tree preservation. With the implementation of the development conditions, Staff concludes that this standard will be met.

Par. 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. The open space requirement in the C-8 (Highway Commercial) District is 15% of the lot area. The applicant is proposing an open space area of 60.2%. As part of the 11,572 square foot open space area, the applicant will maintain a tree save area of 7,040 square feet. This conservation area is not included in the total tree canopy computations; if this area were included, the gross tree canopy would be 21,562 square feet. This standard has been met.

Par. 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided; parking and loading requirements shall be in accordance with the provisions of Article 11; adequate public utilities are available to serve this project; and stormwater management, if determined to be needed, will be met during the site plan process. The applicant intends to meet the stormwater detention requirement by decreasing the impervious surface on site by 481 square feet and by demonstrating adequate outfall. The required amount of parking for this project is nine spaces, one loading space and one handicapped parking space. The SE Plat depicts that these requirements will be met. This standard has been met.

Par. 8 states that signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance. According to Sheet 4 of the SE plan, the applicant is proposing to erect one freestanding sign in a landscaped parking lot island just east of the proposed handicapped parking space. This sign shall meet the regulations of Article 12. Stricter requirements are not needed for this particular use at this particular location. This standard has been addressed.

Standards for All Category 5 Uses (Sect. 9-503)

This application is also subject to three additional standards for all Category 5 special exception uses. Standard 1 states that all uses shall comply with the lot size and bulk regulations of the applicable zoning district. This application satisfies this requirement, as indicated in Zoning Ordinance Analysis section of

this report. Standard 2 stipulates that all uses shall comply with the performance standards for the applicable zoning district. The fast food restaurant will meet all applicable performance standards. Finally, Standard 3 specifies that all uses shall be subject to the provisions of Article 17, Site Plans. A development condition noting this requirement is included in Appendix 1. *Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts (Sect. 9-505)*

The application must also satisfy the additional standards for fast food restaurants. Because the proposed use is a fast food restaurant in the C-8 District, only four of these additional standards apply.

Standard A stipulates that such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated. There is a variety of architectural styles in the area. There is no one theme or defined character. Rather, the area consists of service stations, fast food restaurants, banks, auto supply stores, etc. The proposed fast food restaurant will be compatible with the area. Thus, Staff concludes that this standard has been met.

Standard B states that the use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. The existing on-site sidewalk will be maintained. In addition, a new internal sidewalk will be added. An existing pedestrian crossing from the site crossing Route 7 (Leesburg Pike) will be maintained. Moreover, as mentioned previously, the applicant is proposing to construct a right turn lane along Route 7 (Leesburg Pike) that will have storage length and will include a taper. Therefore, Staff concludes that this standard has been met.

Standard C specifies that the site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation, and that the parking and stacking spaces shall be located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site. This site has many constraints due to its limited useable size, irregular shape, and steep topography along the northeastern property line. Staff had many concerns about traffic circulation and the applicant provided many revisions. The final revision, although not ideal, appears to be the best under the circumstances with a proposed development condition that addresses restricting the use of one of the parking spaces to "employee only." Staff concludes that this standard has been met with the proposed development condition.

Standard D states that any use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors. The hours of operation, noise generation, parking, glare and other operational factors proposed with this application are similar to those of adjacent uses in the area. No residential areas are planned in the vicinity and there is not any vacant available land for such a project. The closest existing residential area is a single-family subdivision (Holly Knoll Subdivision) located 600' to the east. This subdivision is separated from the subject site by a heavily wooded area, steep topography and a creek and is not visible from the site. In addition to the existing, heavily wooded area, the applicant will add trees to the rear of the building. Therefore, Staff finds that the proposed use would not adversely impact the nearby residential areas and concludes that the application meets this standard.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant proposes to convert an existing drive-in financial institution to a fast food restaurant with a drive through. The applicant's proposal is in harmony with the Comprehensive Plan and in conformance with all applicable Zoning Ordinance Provisions. The applicant's proposal will reduce the amount of impervious surface on the site, increase the amount of landscaping provided, and improve access to the site. This site has not been used in many years. Re-using and improving the site will be beneficial to the community. In addition, the applicant has agreed to engage in a number of green building practices. Staff believes that, overall, the application meets the development standards for the site with the imposition of the proposed development conditions.

Recommendations

Staff recommends approval of SE 2010-DR-019, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the trail requirement along the north side of Route 7 (Leesburg Pike) in favor of existing conditions.

Staff recommends approval of a modification of the transitional screening requirement along the northeastern property line in favor of the SE Plat.

Staff recommends approval of a waiver of the barrier requirement along the northeastern property line in favor of the SE Plat.

It should be noted that it is not the intent of the Staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of Staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Comprehensive Plan Citations
5. Environmental Analysis
6. Stormwater Management Analysis
7. Transportation Analysis
8. Urban Forest Management Analysis
9. Zoning Ordinance Provisions
10. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2010-DR-019

July 5, 2012

If it is the intent of the Board of Supervisors to approve SE 2010-DR-019, located at Tax Map 6-1 ((1)) 18 (12218 Leesburg Pike) for a special exception to permit a fast food restaurant with a drive-through pursuant to Sect. 9-501 of the Fairfax County Zoning Ordinance, Staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat, Popeyes Restaurant," prepared by AMA Engineers, LLC dated October 10, 2010, as revised June 2, 2012, consisting of 11 sheets, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The angled parking space farthest from the restaurant and closest to Route 7 (Leesburg Pike) shall be designated as employee only.
5. The Applicant shall incorporate into the design and implement the green building technology and strategies listed below.

Prior to final construction bond release, the Applicant's professional engineer or licensed architect, shall submit a certification statement and supporting documentation as detailed below, confirming that the green building elements listed below have been incorporated into the design and/or construction of the building.

Green building elements for inclusion in the project:

- A. The Applicant's professional engineer or licensed architect shall incorporate the following sustainable design elements and innovative technologies into the redevelopment of the building. At the time of site plan submission, the applicant will provide documentation to the

Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional.

- B. The Applicant shall provide bicycle racks for six bicycles within 200 feet of the restaurant's entrance. The Applicant shall provide proof of installation and plan location. Additionally, the Applicant shall provide a changing facility for employees. The Applicant shall provide proof of installation and plan location.
- C. The building's location shall be within existing impervious areas on the site, as shown on the plans.
- D. The Applicant shall exclusively use native and non-invasive species for landscape and other plantings on the site. The Applicant shall provide planting lists showing species and location of plantings, for review and approval by UFM.
- E. Tree preservation along the northeastern property line as shown on the plan shall be provided.
- F. The Applicant shall install motion sensor faucets and flush valves and ultralow-flow plumbing fixtures that have a maximum water usage as listed below. The Applicant shall provide manufacturers' product data:
Water Closet (gallons per flush, gpf) 1.28
Urinal (gpf) 0.5
Lavatory faucets (gpm*) 1.5
Kitchen and janitor sink faucets 2.20
Metering faucets 0.25
*When measured at a flowing water pressure of 60 pounds per square inch (psi).
- G. The final area of impervious surface shall be reduced during the redevelopment of the Special Exception area by a minimum of 1%.
- H. The Applicant shall use building materials that have been produced or manufactured within 500 miles of the project site. The Applicant shall provide proof of installation and invoice receipts, with manufacturer's data showing the production or manufacturing location.
- I. The Applicant shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both customers and employees. There shall be a dedicated area on the Property for the storage of the materials to be recycled. The Applicant shall provide proof of installation, installation locations and a copy of the Applicant's recycling hauling contract.
- J. The Applicant shall reuse walls, floors, roof portions, and/or interior

nonstructural elements. The Applicant shall provide constructions drawings and an itemized list of the reuse.

- K. The Applicant shall install only LED or fluorescent lamps in all interior building lighting fixtures. The Applicant shall provide a maximum lighting power allowance of 1.25 watts/square foot. The Applicant shall provide energy usage calculations and manufacturers' product data.
6. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the Special Exception Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

Tree Preservation Walk-Through. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little

disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the Special Exception Plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the Special Exception Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

Demolition of Existing Structures. The demolition of the curb, gutter and asphalt adjacent to limits of clearing and grading, adjacent to tree preservation areas shown on the Special Exception Plat shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.

Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as required by the development conditions and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVIT

DATE: MAY 11 2012
(enter date affidavit is notarized)

109386a

for Application No. (s): SE 2010-DR-019
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Sivnam Partnership LLC
12218 Leesburg Pike
Great Falls, VA 22066

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Anil (nmi) Vaid
Vivek (nmi) Vaid
Samuel R. Vaid

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: MAY 11 2012
(enter date affidavit is notarized)

for Application No. (s): SE 2010-DR-019
(enter County-assigned application number (s))

109386a

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

AMA Engineers, LLC
4308 Wakefield Chapel Road
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Prem K. Bhandari

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

MAY 11 2012

DATE: _____
(enter date affidavit is notarized)

109 386 a

for Application No. (s): SE 2010-DR-019
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Equity Partners of McGuireWoods LLP

Adams, John D.	Beil, Marshall H.	Burk, Eric L.
Alphonso, Gordon R.	Belcher, Dennis I.	Busch, Stephen D.
Anderson, Arthur E., II	Bell, Craig D.	Cabaniss, Thomas E.
Anderson, Mark E.	Beresford, Richard A.	Cacheris, Kimberly Q.
Andre-Dumont, Hubert	Bilik, R. E.	Cairns, Scott S.
Bagley, Terrence M.	Blank, Jonathan T.	Capwell, Jeffrey R.
Barger, Brian D.	Boland, J. W.	Cason, Alan C.
Barnum, John W.	Brenner, Irving M.	Chaffin, Rebecca S.
Becker, Scott L.	Brooks, Edwin E.	Cobb, John H.
Becket, Thomas L.	Brose, R. C.	Cogbill, John V., III

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)

DATE: MAY 11 2012
(enter date affidavit is notarized)

109386 a

for Application No. (s): SE 2010-DR-019
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)Covington, Peter J.
Cramer, Robert W.
Cromwell, Richard J.
Culbertson, Craig R.
Cullen, Richard (nmi)
Cutler, Christopher M.
Daglio, Michael R.
De Ridder, Patrick A.
Dickerman, Dorothea W.
DiMattia, Michael J.
Dooley, Kathleen H.
Downing, Scott P.
Edwards, Elizabeth F.
Ensing, Donald A.
Ey, Douglas W., Jr.
Farrell, Thomas M.
Feller, Howard (nmi)
Fennebresque, John C.
Foley, Douglas M.
Fox, Charles D., IV
France, Bonnie M.
Franklin, Ronald G.
Fratkin, Bryan A.
Freedlander, Mark E.
Freeman, Jeremy D.
Fuhr, Joy C.
Gambill, Michael A.Gibson, Donald J., Jr.
Glassman, Margaret M.
Glickson, Scott L.
Gold, Stephen (nmi)
Goldstein, Philip (nmi)
Grant, Richard S.
Greenberg, Richard T.
Grieb, John T.
Harmon, Jonathan P.
Harmon, T. C.
Hartsell, David L.
Hatcher, J. K.
Hayden, Patrick L.
Hayes, Dion W.
Heberton, George H.
Hedrick, James T., Jr.
Horne, Patrick T.
Hosmer, Patricia F.
Hutson, Benne C.
Isaf, Fred T.
Jackson, J. B.
Jarashow, Richard L.
Jordan, Hilary P.
Kanazawa, Sidney K.
Kannensohn, Kimberly J.
Katsantonis, Joanne (nmi)
Kerr, James Y., IIKilpatrick, Gregory R.
King, Donald E.
King, Sally D.
Kittrell, Steven D.
Kobayashi, Naho (nmi)
Kratz, Timothy H.
Krueger, Kurt J.
Kutrow, Bradley R.
La Fratta, Mark J.
Lias-Booker, Ava E.
Lieberman, Richard E.
Little, Nancy R.
Long, William M.
Manning, Amy B.
Marianes, William B.
Marks, Robert G.
Marshall, Gary S.
Marshall, Harrison L., Jr.
Marsico, Leonard J.
Martin, Cecil E., III
Martin, George K.
Martinez, Peter W.
Mason, Richard J.
Mathews, Eugene E., III
Mayberry, William C.
McCallum, Steven C.
McDonald, John G.(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: MAY 11 2012
(enter date affidavit is notarized)

109386a

for Application No. (s): SE 2010-DR-019
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)McElligott, James P.
McFarland, Robert W.
McIntyre, Charles W.
McLean, J. D.
McRill, Emery B.
Moldovan, Victor L.
Muckenfuss, Robert A.
Muir, Arthur B.
Murphy, Sean F.
Natarajan, Rajsekhar (nmi)
Neale, James F.
Nesbit, Christopher S.
Nickens, Jacks C.
O'Grady, Clive R.
O'Grady, John B.
O'Hare, James P.
Oakey, David N.
Oostdyk, Scott C.
Padgett, John D.
Parker, Brian K.
Phears, H. W.
Phillips, Michael R.
Plotkin, Robert S.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.Rakison, Robert B.
Reid, Joseph K., III
Richardson, David L.
Riegle, Gregory A.
Riley, James B., Jr.
Riopelle, Brian C.
Roberts, Manley W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rosen, Gregg M.
Rust, Dana L.
Satterwhite, Rodney A.
Scheurer, P. C.
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane W.
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
Skinner, Halcyon E.
Slone, Daniel K.
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.Steen, Bruce M.
Stein, Marta A.
Stone, Jacquelyn E.
Swan, David I.
Tackley, Michael O.
Tarry, Samuel L., Jr.
Thornhill, James A.
Van der Mersch, Xavier G.
Vaughn, Scott P.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. L., Jr.
Walker, John T., IV
Walker, W. K., Jr.
Walsh, James H.
Watts, Stephen H., II
Westwood, Scott E.
Whelpley, David B., Jr.
White, H. R., III
White, Walter H., Jr.
Wilburn, John D.
Williams, Steven R.
Wren, Elizabeth G.
Young, Kevin J.(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

MAY 11 2012

DATE: _____
(enter date affidavit is notarized)

109386 a

for Application No. (s): SE 2010-DR-019
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

(Former Equity Partner List)

Barr, John S.
Brown, Thomas C., Jr.
Buchan, Jonathan E.
de Cannart d'Hamale, Emmanuel
Dorman, Keith A.
Johnston, Barbara C.
Keenan, Mark L.
Kennedy, Wade M.
Pankey, David H.
Potts, William F., Jr.
Werlin, Leslie M.
Wilson, Ernest G.
Wilson, James M.
Younger, W. C.

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

MAY 11 2012

DATE: _____
(enter date affidavit is notarized)

109386a

for Application No. (s): SE 2010-DR-019
(enter County-assigned application number(s))1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: MAY 11 2012
(enter date affidavit is notarized)

109386a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant☒ Applicant's Authorized AgentLori R. Greenlief, Land Use Planner

(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 11th day of May 20 12, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2012

Grace E. Chae
Commonwealth of Virginia
Notary Public
Commission No. 7172971
My Commission Expires 05/31/2012

MAY 06 2010

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION
FOR
SPECIAL EXCEPTION
Fast Food Restaurant with Drive-through.
May 2010

Pursuant to Section 9-501 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), SIVNAM Partnership LLC., hereby requests approval of a special exception to permit the conversion of an existing drive-through financial institution to a fast food restaurant with 24 seats and a drive-through on property identified as Tax Map Reference Number 6-1((1))18.

LOCATION/BACKGROUND

The property is zoned C-8 and contains 42,535 square feet. It is located on the north side of Leesburg Pike (Rt. 7), across from its intersection with Dranesville Road, which is a signalized intersection. The property is surrounded on the north and east by open space associated with the Holly Knoll subdivision, on the south by a service station and a shopping center with a bank and a fast food restaurant most proximate to Rt. 7. and on the west by the Loudoun County border. The uses within Loudoun County adjacent to the subject property are autoparts stores. A drive-in bank was established on the property in 1975 pursuant to a prior Ordinance which allowed drive-in banks by right in the C-8 District.

PROPOSAL

The Applicant is proposing to convert the existing bank building to a fast food restaurant. The site will be only slightly modified for this conversion as stated below.

- Approximately 612 square feet of gross floor area will be added to the building and will basically consist of "filling in" various nooks and crannies of the existing building. Exhibit 1, attached to this statement, shows a before and after view. The total GFA of the building will be 2,550 sf.
- Approximately 877 square feet of existing impervious surface will be replaced with green space and approximately 675 square feet of impervious surface will be added (including the building additions). It is noted that this redevelopment of the site will result in less impervious surface on the property. The new impervious surface consists of the nooks and crannies of the building, some grassed area adjacent to the building on the west side and some grassed area in the loading area. A very large amount existing impervious area in the northwestern portion of the developed area of the site will be replaced with green space as well as an area to the east of the building and a portion of the travelway in the rear of the site. These areas are graphically depicted in the upper righthand corner of Sheet 4 of the special exception plat.
- There will be no change to the parking area. Twelve spaces are provided.

- The drive-through window area for the fast food restaurant will be on the west side of the building and will be a single lane window. The existing bank drive-in is a double lane area located in the back of the building.

The site contains Resource Protection Area (RPA) which was infringed upon with the original development of the site in the 1970's. No further intrusion into the RPA is proposed. As a matter of fact, as previously stated, the total impervious surface area will be reduced with green vegetated area added instead. This will result in positive impacts on the water quality aspect of the site and the site will be more aesthetically pleasing.

The Applicant requests a waiver of the trail requirement along the site's frontage. The property to the east is a large expanse of open space with no trail constructed. Because of the topography and the drop to Sugarland Run from the roadway, a trail will probably not be constructed along this area of Rt. 7. A side walk does exist internal to the site which provides access to the property to the west.

The following information is provided pursuant to Section 9-011 of the Fairfax County Zoning Ordinance:

- A. Type of operation: Fast food restaurant with 24 seats and drive-through
- B. Hours of operation: 7:00 am to 11:00 pm, daily
- C. Number of patrons: Trip generation rates based on square footage estimate approximately 1,265 vehicles per day and 151 vehicles in the peak hour which is on Saturday.
- D. Number of employees: Five.
- E. Estimate of traffic impact: See above. The threshold for the preparation of a Traffic Impact Analysis has not been met.
- F. Vicinity or general area to be served by the use: Rt. 7 corridor/Eastern Loudoun County, Western Fairfax County
- G. Architectural compatibility: Attached is a graphic showing the conversion of the bank to the proposed Popeyes Restaurant
- H. Hazardous and toxic substances: There are no known hazardous or toxic substances that will be generated on site with this proposed change.
- I. Statement of conformance: To the best of the Applicant's knowledge, the proposed use conforms to the provision of all applicable ordinances, regulations, adopted standards, and any applicable conditions.

CONFORMANCE WITH SECT. 9-503, Standard for All Category 5 Uses

The bulk regulations for the C-8 District and the performance standards specified in Article 14 are met on the property. A site plan will be filed subsequent to the approval of this special exception.

CONFORMANCE WITH SECT. 9-505, Additional Standards

1. A. There is a variety of architectural styles in the area. The proposed fast food

restaurant is in keeping with these styles.

- B. The site is developed with an existing bank building. No changes to the existing pedestrian or vehicular circulation is proposed.
 - C. There is only one use on the site and, again, no changes are proposed to the existing circulation patterns which have functioned on the site for many years.
 - D. A very wide buffer area exists to the north of the property between it and any residential uses. The remaining surrounding uses are all commercial. There will be no adverse impact to adjoining uses. As a matter of fact, the proposed restaurant use will complement those surrounding uses.
 - E. N/A
- 2. N/A
 - 3. N/A
 - 4. A. There will be no outdoor storage or display of goods for sale associated with the use on the property.
 - B. N/A
 - C. N/A
 - 5. N/A
 - 6. N/A

CONFORMANCE WITH SECT. 9-006, General Standards for Special Exceptions

- 1. The Comprehensive Plan map shows the property is planned for retail use, as are all the properties which surround this intersection. The conversion of this bank to a fast food restaurant is in harmony with this Plan designation.
- 2. The intent of the C-8 Zoning District is to provide locations on heavily traveled collector and arterial highways for those commercial and service uses which are oriented to the automobile. The proposed use meets this intent as well as the other regulations of the C-8 District.
- 3. The use will not adversely affect the surrounding properties which are all developed with similar commercial uses. There is a 300+ foot wooded buffer between the property and the Holly Knolls subdivision to the north which provides an adequate buffer to mitigate any adverse impact to those residential properties.

4. Access to the site is well established. There are right and left turn lanes into the site and an existing service drive connection to the west. The proposed use will not be hazardous nor conflict with existing or anticipated traffic in the area.
5. The building will be landscaped with foundation plantings. There is an existing heavily wooded area to the north, an average of 45 feet in width. A waiver of the Transitional Screening 3 requirement is requested to allow the existing vegetation to satisfy the requirement. Additionally, due to the topography and heavily wooded state of the buffer, a barrier would not be effective. Thus, a waiver of the barrier requirement is also requested.
6. The open space provided on the site exceeds the minimum percentage requirement.
7. Utility, drainage, parking and loading requirements have been met.
8. Signs shall meet the regulations of Article 12.

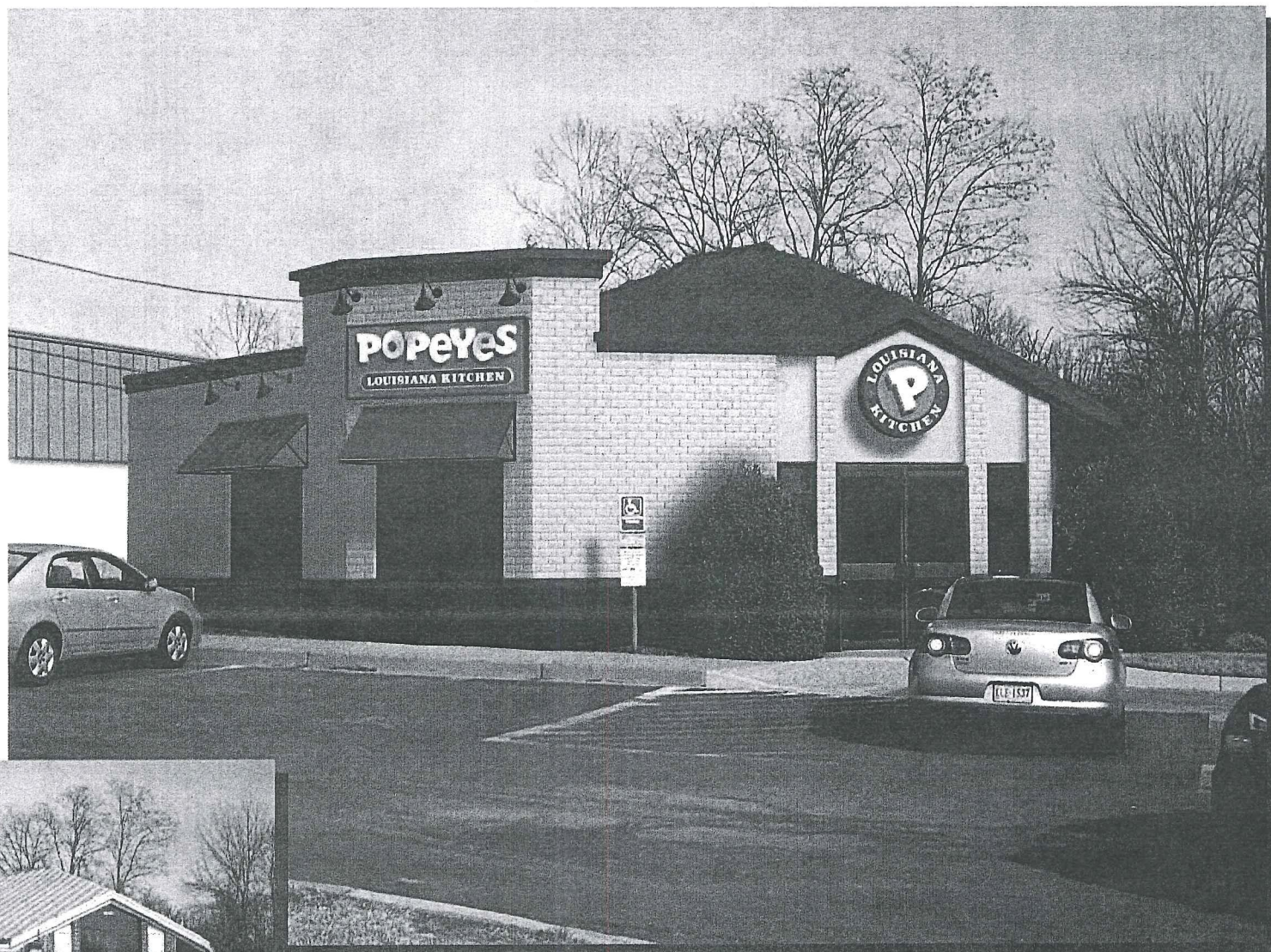
CONCLUSION:

The conversion of this existing drive-in bank to a drive-through fast food restaurant is a logical redevelopment option for this property. Minimum site disturbance is necessary and there is the opportunity to actually reduce the amount of impervious surface on the site with this proposal. The application meets the applicable standards for approval and based on the foregoing, the Applicant respectfully requests the approval of this Special Exception application.

Respectfully submitted,



Lori Greenlief
McGuirewoods LLP



12218 Leesburg Pike - Herndon, VA
LK Conversion (Bank)

Sam Vaid

5.26.2009

UP2 SPRINGVALE COMMUNITY PLANNING SECTOR

CHARACTER

The Springvale Community Planning Sector is located in the northern part of the County with Beach Mill Road on the north; River Bend Road to the east; Leesburg Pike and Georgetown Pike (Route 193) on the south; and Loudoun County to the west.

This sector is similar to the Riverfront sector because it is rural in character and consists of undeveloped land, farms, residential estates and large-lot subdivisions. Planning objectives for this sector seek to maintain the existing character. Most of the committed and anticipated development in the sector is for five-acre and two-acre residential development. There are small commercial areas located at Beach Mill and Springvale Roads and local-serving commercial uses are located on Leesburg Pike at Georgetown Pike and at the village of Great Falls. This area is planned to maintain the very low density character through large-lot residential development (one dwelling unit per five- and two-acre lots).

This sector is characterized by open space and dispersed residential development. The sector has a high potential for significant heritage resources, and in fact, is rich in known historic sites. Great Falls Grange and Great Falls Post Office, as well as the John Gunnell House, Gunnell's Run and Cornwell Farm, are listed in the County Inventory of Historic Sites, Virginia Landmarks Register and the National Register of Historic Places. A portion of the Dranesville Tavern Historic Overlay District, also a National Register site, lies within this sector. Georgetown Pike (Route 193) is designated as a Virginia Byway pursuant to Section 33.1-63 of the Code of Virginia, as amended. A list and map of heritage resources are included in the Upper Potomac Planning District Overview section, Figures 4, 5 and 6. Additional historic sites in this sector are also included in the inventory.

CONCEPT FOR FUTURE DEVELOPMENT

The Springvale Community Planning Sector is designated as a Low Density Residential Area in the Concept for Future Development.

RECOMMENDATIONS

Land Use

The Springvale Community Planning Sector is largely developed as stable low density residential areas. Infill development in these residential areas should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-defined, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Figure 19 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

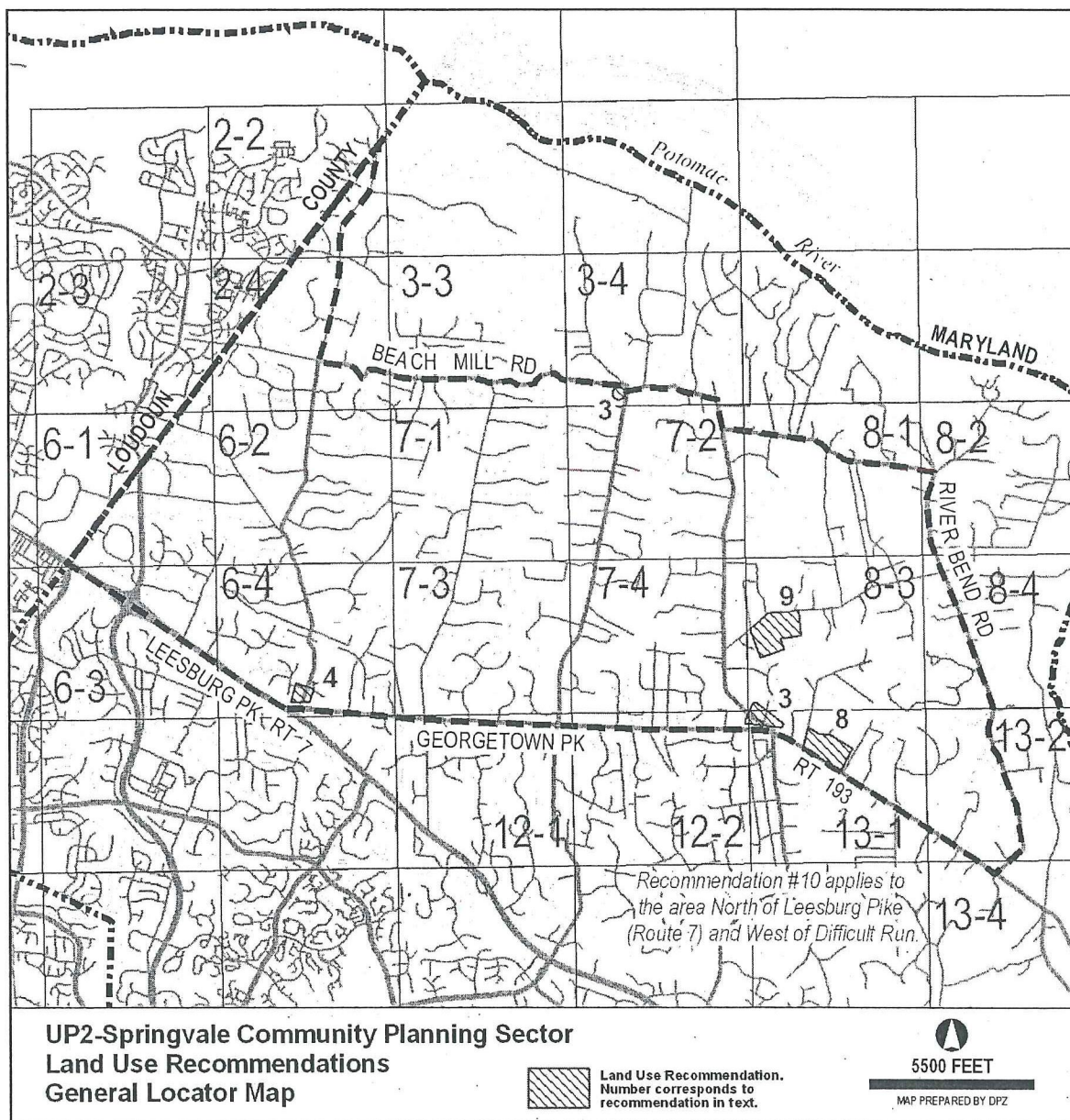


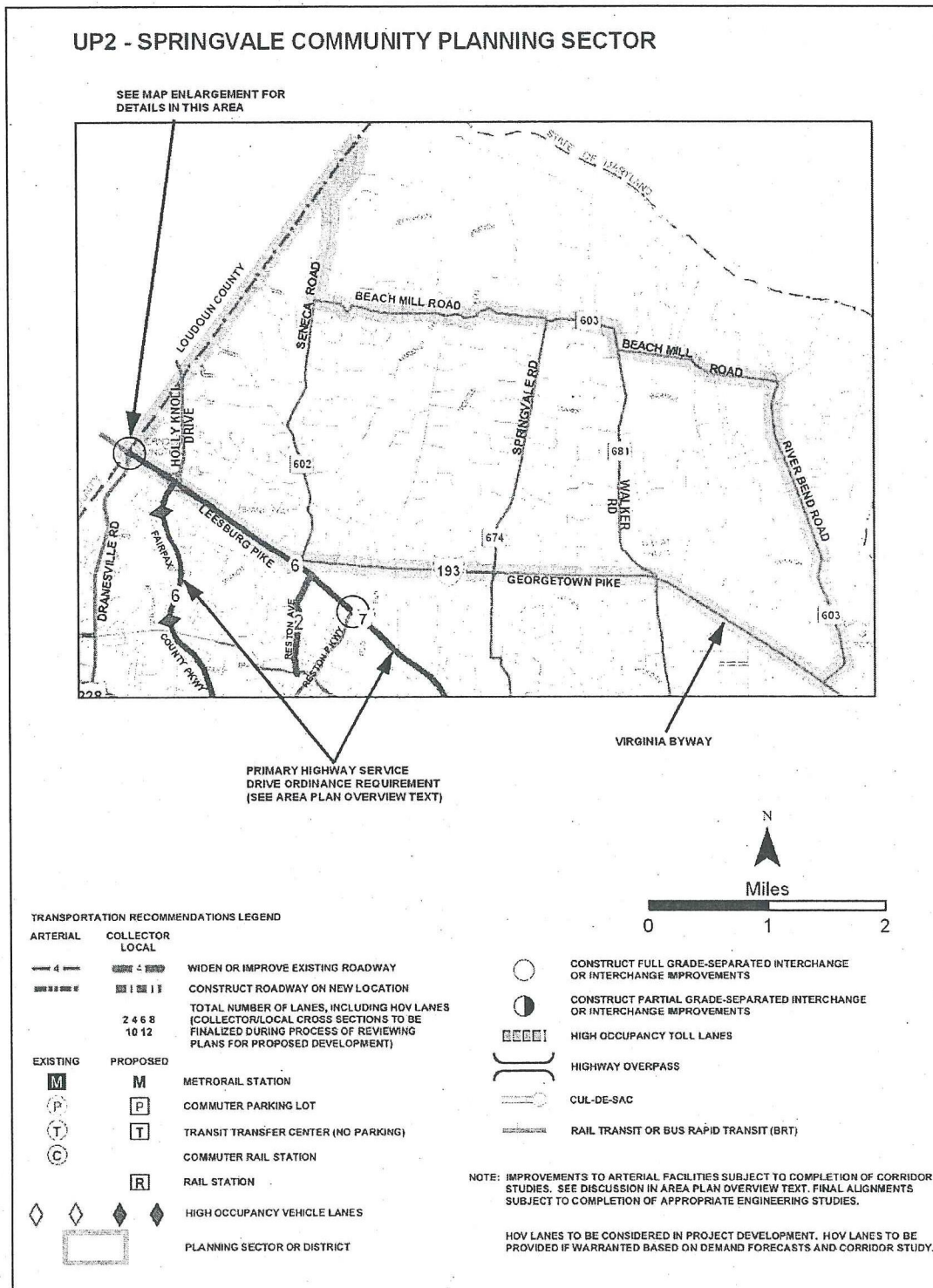
FIGURE 19

1. Land use in this sector should continue to reflect and support the established low density residential character. Public parkland and low density residential uses at .1-.2 dwelling unit per acre and .2-.5 dwelling unit per acre are planned for the area as shown on the Plan map. Several older residential areas along Georgetown Pike are planned at a density of 1-2 dwelling units per acre as a reflection of the typical densities that exist in these areas. [Not shown]
2. This sector is planned for low density, single family residential use at .2-.5 du/ac as shown on the Comprehensive Land Use Plan map. Cluster subdivisions may be appropriate in this sector if the following criteria are met and are rigorously applied: 1) Wherever possible the proposed open space should provide connections with existing or planned trails; 2) Individual lots, buildings, streets, utilities and parking areas are designed and situated to minimize the disruption of the site's natural drainage and topography, and to promote the preservation of important view sheds, historic resources, steep slopes, stream valleys and desirable vegetation; 3) Site design and building location are done in a manner that is compatible with surrounding development; 4) Modifications to minimum district size, lot area, lot width or open space requirements of a cluster subdivision in the R-E and R-1 Districts are not appropriate, unless significant benefits can be achieved in the preservation of the natural environment, scenic view shed(s) or historic resources by permitting such modifications; and 5) Lot yield shall be limited to that which could reasonably result under conventional development. In addition, measures such as agricultural and forestal districts, conservation, open space and scenic easements should be encouraged to preserve the rural character of this environmentally sensitive area, provided that their use provides a public benefit and furthers the intent of the Plan. [Not Shown]
3. Commercial uses should be neighborhood-serving and confined to existing commercial areas as shown on the Plan map. This includes the area in the vicinity of Walker Road and Georgetown Pike (Route 193) and at Springvale Road (Route 674) and Beach Mill Road (Route 603).
4. The area along Seneca Road, north of its intersection with Georgetown Pike is currently planned for residential development at densities of .2-.5 and 1-2 dwelling units per acre. A small portion of this area at Seneca Road and Georgetown Pike is commercially zoned. Commercial development of these parcels should be limited to low intensity office and neighborhood retail uses, not to exceed .25 FAR, under the following conditions:
 - Consolidation of commercially-zoned parcels (Tax Map 6-4((3))1, 2, 3, and 4), or the development of a single project on Tax Map 6-4((1))60B, which represents an earlier consolidation;
 - Provision of substantial landscaped and/or naturally vegetated buffers to protect surrounding residential uses and provide a clear line of demarcation between any commercial development and the existing and planned low density residential uses to the north, east and west. Residentially zoned portions of these parcels should be used and maintained as open space buffers;
 - Either office or retail development should be of high quality as demonstrated by consistent architectural treatment of all building facades in a style that uses materials and design elements that are compatible with the low density residential community. Any office development should be residential in character, in terms of scale, bulk, material, and component detail;

- Structures should not exceed 35 feet in height; and
 - Right-in/right-out only access to a unified commercial development on Tax Map 6-4((1))60B may be provided from Georgetown Pike if approved by VDOT.
5. Future development and improvements to commercial establishments in the Village of Great Falls should encourage uniformity of architecture, screening, fencing, signage and encourage the completion of trails in the village. [Not shown]
 6. In this planning sector, uses requiring special permits and special exception approval should be rigorously reviewed and permitted only when the use is of a size and scale that will not adversely impact adjacent land uses and the overall low density residential character of the area. [Not shown]
 7. The Route 7 Corridor is planned for and should continue to be reserved for residential development. Industrial, office, research and development (R&D), and retail commercial uses are not appropriate in the Route 7 Corridor. Uses requiring special permits and special exception approval should be rigorously reviewed and permitted only when the use is of a size and scale that will not adversely impact adjacent land uses and the overall low density residential character of the corridor in order to prevent commercial or quasi-commercial encroachment. [Not shown]
 8. Parcel 13-1((1))37, which is located on the northeast corner of Georgetown Pike and Innsbruck Avenue, is planned for residential use at .2 -.5 dwelling units per acre. As an option, public park use may be appropriate.
 9. Parcels 8-3((1)) 45V and 45Z, located on the south side of Arnon Chapel Road across from the intersection of Arnon Meadow Road, are planned for residential use at .2 - .5 dwelling units per acre. As an option, public park use may be appropriate.
 10. Turner Farm Park, in the heart of the Great Falls area, is planned for an astronomical observatory for educational and recreational use by County schools and residents due to having among the darkest night sky in the Washington, D.C. Metropolitan Area. The night sky in the area surrounding the planned observatory should be protected from excessive and improper lighting. New development (i.e., public and private) in planning sector UP2 and planning sector UP3, north of Leesburg Pike (Rt. 7) and west of Difficult Run, should provide energy efficient lighting that reduces glare, eliminates light trespass and reduces sky glow.
 11. Encourage the use of pervious and semi-pervious materials for paved areas (e.g. parking lots, driveways, walkways and patios). [Not shown]

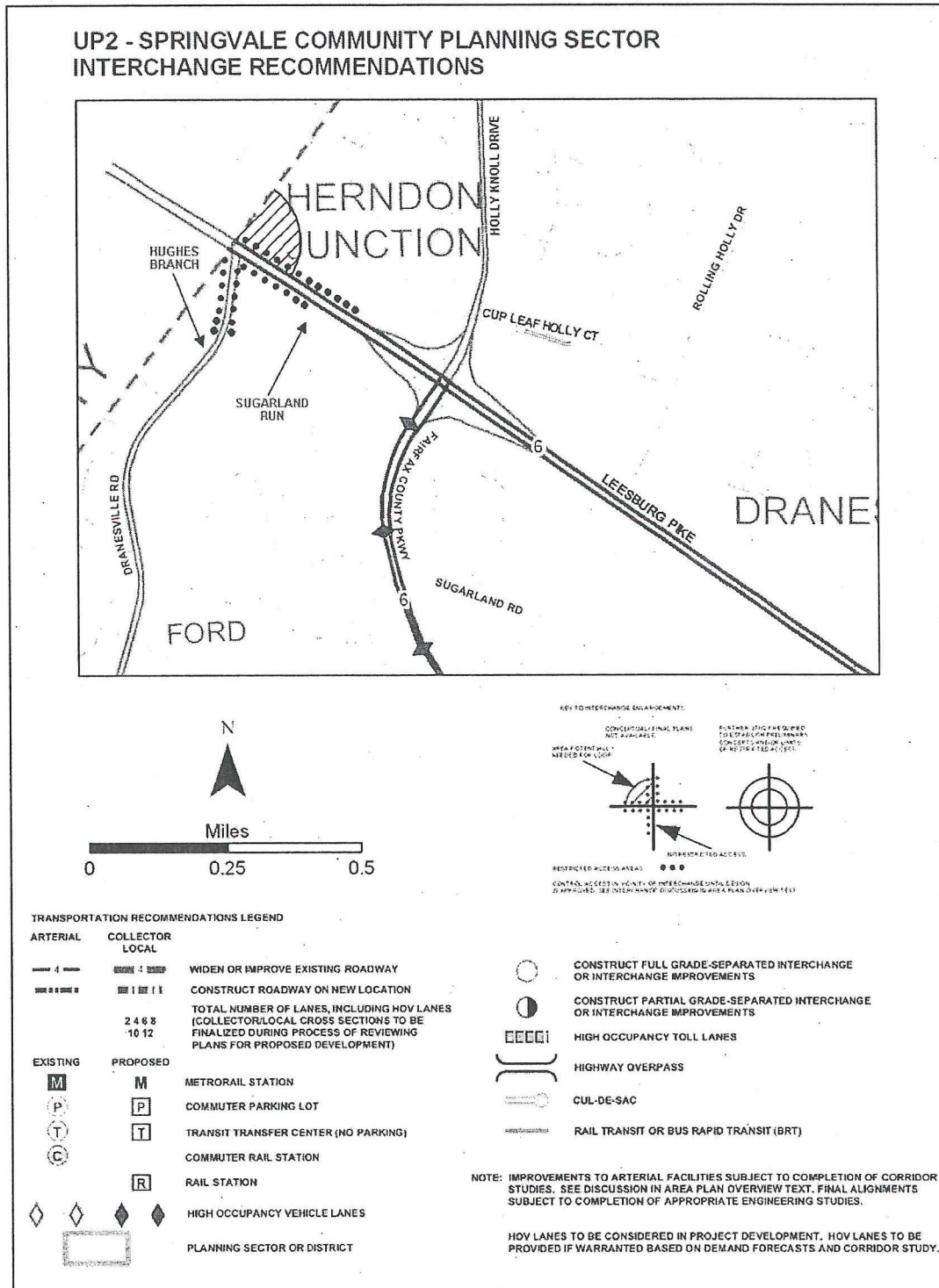
Transportation

Transportation recommendations for this sector are shown on Figures 20 and 21. In some instances, site-specific transportation recommendations are included in the land use recommendations section. The figures show access orientation, circulation plans, interchange impact areas and generalized locations of proposed transit facilities. The recommendations contained in the Area Plan text and maps, the Policy Plan and Transportation Plan map, policies and requirements in the Public Facilities Manual, the Zoning Ordinance, and other standards will be utilized in the evaluation of development proposals.



TRANSPORTATION RECOMMENDATIONS

FIGURE 20



**INTERCHANGE RECOMMENDATIONS
UP2 SPRINGVALE COMMUNITY PLANNING SECTOR**

FIGURE 21

Georgetown Pike, which has been designated a Virginia Byway and determined eligible for listing on the Virginia Landmarks Register and the National Register of Historic Places, should be maintained within its existing right-of-way. Center turn lanes and deceleration and acceleration lanes should be discouraged and curb cuts should not be allowed unless no other alternative exists. Georgetown Pike is commonly acknowledged to contain some traffic hazards. However, it is generally acceptable in its present condition to local residents. Major changes in alignment or widening the road would damage the scenic and historic character and the historic integrity of the Byway and have been strongly opposed by residents of adjacent areas. Planning efforts should focus on other means of dealing with traffic volume in order to maintain this Byway. Scenic and conservation easements should be sought along Georgetown Pike wherever practical for the preservation of the historic and scenic significance and beauty of the corridor.

Heritage Resources

This planning sector is rich in known historic sites and has a high potential for additional significant heritage resources. The area surrounding the Great Falls Grange and Great Falls Post Office should be considered for protection by establishment of an Historic Overlay District. Dunbarton should also be considered for this type of protection. A portion of the Dranesville Tavern Historic Overlay District lies within this sector. Regulations are discussed in Sector UP4 of the Upper Potomac Planning District. Georgetown Pike (Route 193) is designated as a Virginia Byway pursuant to Section 33.1-63 of the Code of Virginia, as amended. The protection of Georgetown Pike is discussed in the Transportation section above.

Any development or ground disturbance in this sector, both on private and public land, should be preceded by heritage resource studies, and alternatives should be explored for the avoidance, preservation or recovery of significant heritage resources that are found. In those areas where significant heritage resources have been recorded, an effort should be made to preserve them. If preservation is not feasible, then, in accordance with countywide objectives and policies as cited in the Heritage Resources section of the Policy Plan, the threatened resource should be thoroughly recorded and in the case of archaeological resources, the artifacts recovered.

Public Facilities

1. Replace the existing mini-library on Georgetown Pike with a community library near the intersection of Georgetown Pike and Walker Road.
2. Provide any necessary improvements to FCWA's Riverside Manor Water System to meet future regulations (Tax Map 8-1((4))A, D, E).

Parks and Recreation

Park and recreation recommendations for this sector are shown on Figure 22. The column "Park Classification" includes existing park facilities. The "Recommendations" column includes entries for both existing and proposed facilities. Prior to developing parkland, the Fairfax County Park Authority initiates a master planning process to determine the appropriate facilities and design for that park. This process involves extensive citizen review and participation. If an existing park is listed but no recommendation appears on that line, it means the park has been developed in accordance with its master plan.

FIGURE 22
PARKS AND RECREATION RECOMMENDATIONS
SECTOR UP2

PARK CLASSIFICATION	RECOMMENDATIONS
NEIGHBORHOOD PARKS:	
Holly Knolls	No development is planned for the park. Additional Neighborhood Park facilities are not recommended in Low Density Residential Areas.
COMMUNITY PARKS:	
Windermere	No development is planned for the park.
DISTRICT PARKS:	
	This sector lies within the service area of Great Falls Nike District Park. The southwestern part of this sector is also served by Baron Cameron District Park.
COUNTYWIDE PARKS:	
Great Falls Grange (Multiple Resources)	Complete development in accordance with approved master plan. Investigate the potential for obtaining historic preservation easements on selected historic properties.

Trails

Trails planned for this sector are delineated on Figure 23 and on the 1":4,000' Countywide Trails Plan Map which is referenced as Figure 2 in the Transportation element of the Policy Plan and is available from the Department of Planning and Zoning. Trails in this sector are an integral part of the overall County system. While some of the segments have already been constructed, the Countywide Trails Plan Map portrays the ultimate system for the sector and the County at large. In addition, the map specifies a classification for each segment, which represents the desired ultimate function and surface type of the trail. Specific construction requirements are detailed in the Public Facilities Manual.



County of Fairfax, Virginia

APPENDIX 5

MEMORANDUM

DATE May 11, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PGN*
Environment and Development Review Branch, DPZ

SUBJECT: **Environmental Assessment:** SE 2010-DR-019
Popeyes - Dranesville

The memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the special exception plat as revised through April 15, 2012. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

Fairfax County Comprehensive Plan, Policy Plan, 2011 Edition, Environment section as amended through July 27, 2010, page 7 through 16:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. .

- Policy d. Preserve the integrity and the scenic and recreational value of EQCs when locating and designing storm water detention and BMP facilities. . . .
- Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:
- Minimize the amount of impervious surface created. . . .

- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements. . . .
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. . . .
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed.

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate "Chesapeake Bay Preservation Areas". Within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations.

The more restrictive type of Chesapeake Bay Preservation Area is known as the "Resource Protection Area (RPA)." With a few exceptions (e.g. water wells, recreation, infrastructure improvements, "water dependent" activities, and redevelopment), new development is prohibited in these areas. In Fairfax County, RPAs include the following features:

- water bodies with perennial flow;
- tidal wetlands;
- tidal shores;
- nontidal wetlands contiguous with and connected by surface flow to tidal wetlands or water bodies with perennial flow;
- a buffer area not less than 100 feet in width around the above features; and
- as part of the buffer area, any land within a major floodplain.

The other, less sensitive category of land in the Preservation Areas is called the "Resource Management Area (RMA)." Development is permitted in RMAs as long as it meets water quality goals and performance criteria for these areas. These goals and criteria include stormwater management standards, maintenance requirements and reserve capacity for on-site

sewage disposal facilities, erosion and sediment control requirements, demonstration of attainment of wetlands permits, and conservation plans for agricultural activities. In Fairfax County, RMAs include any area that is not designated as an RPA. . . .

Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .

Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

Policy a: Identify, protect and restore an Environmental Quality Corridor system (EQC). . . .
 . Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.
- Connectivity: This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide enough to facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.
- Hydrology/Stream Buffering/Stream Protection: The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
- Pollution Reduction Capabilities: Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants

from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements . . .:

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation."

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Water Quality

A large portion of the subject property is within a Resource Protection (RPA) with portions also within an Environmental Quality Corridor (RPA/EQC) of Sugarland Run. It should be noted that the majority of this area was previously developed as a bank use. No significant expansion of the existing impervious and disturbed areas are proposed with this application. The applicant should ensure that the current Resource Protection Area boundary delineation is correct and approved by staff in the Department of Public Works and Environmental Services. No further encroachment into the RPA/EQC area should be permitted as a result of future modifications to this use or other future uses at this location. Any final determination regarding the extent of the

RPA will be subject to review and approval by staff within the Department of Public Works and Environmental Services.

PGN: JRB



County of Fairfax, Virginia

MEMORANDUM

DATE: May 8, 2012
TO: Miriam Bader
 Zoning Evaluation Division
 Department of Planning and Zoning

FROM: Sharad Regmi, Stormwater Engineer
 Site Development and Inspections Division
 Department of Public Works and Environmental Services

SUBJECT: Special Exception Application #SE 2010-DR-019, Sivnam Partnership,
 Special Exception Plat dated May 15, 2012, LDS Project #25379-ZONA-
 001-2, Tax Map #6-1-01-0018, Dranesville District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is Resource Protection Area (RPA) on this site. A site-specific RPA is shown on the SE Plan. A decrease in impervious area within the site-specific RPA buffer has been proposed. The proposed work is considered redevelopment in the RPA, if there is no increase in the impervious area within RPA buffer; an approved Water Quality Impact Assessment (WQIA) will be required before site plan approval (CBPO 118-2-1(b)).

Water quality controls are required for this development (PFM 6-0401.2A). A conservation easement is proposed to provide the required controls.

Floodplain

There is major floodplain on the property.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Stormwater Detention

Stormwater detention is required, if not waived (PFM 6-0301.3). The applicant intends to meet the detention requirement by decreasing the impervious surface and demonstrating adequate outfall (LTI 21-88).



Miriam Bader
Special Exception Application #SE 2010-DR-019, Sivnam Partnership
May 8, 2012
Page 2 of 2

Site Outfall

An outfall narrative has been provided.

Please contact me at 703-324-1720 if you require additional information.

SR/

cc: Don Demetrius, Chief, Watershed Evaluation Branch, Stormwater Planning Division,
DPWES
Zoning Application File



County of Fairfax, Virginia

MEMORANDUM

DATE: June 12, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division,
Department of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2010-DR-019)

SUBJECT: Transportation Impact Addendum

REFERENCE: SE 2010-DR-019; Sivnam Partnership LLC
Traffic Zone: 1745
Land Identification Map: 6-1 ((01))) 18

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the revised plat dated June 2, 2012.

The applicant requests a special exception to permit the conversion of an existing drive-through financial institution into a sit-down and drive-through fast food restaurant.

This department has reviewed the subject plat and provides the following:

- By reason of a difficult vehicular turn radius, it is suggested the applicant eliminate the first space of the angled parking when entering the site, or reserve it for "employee" parking.

AKR/AK C:SE 2010-DR019SivnamPartnership
CC: Michelle Brickner, Director, Design Review, DPW & ES



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY
COMMISSIONER

May 1, 2012

To: Barbara Berlin
Director, Zoning Evaluation Division

From: Noreen H. Maloney
Virginia Department of Transportation – Land Development Section
703-383-2424

Subject: SE 2010-DR-019, Popeyes Restaurant
Tax Map No.: 006-1- /01/ /0018

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

The application has been filed for a fast food restaurant with a drive- thru.

The plat has been revised to show the right turn lane along Route 7 with an adequate taper and storage length.

All outstanding VDOT issues have been satisfactorily addressed.



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY
COMMISSIONER

March 11, 2011

To: Ms. Regina Coyle
Director, Zoning Evaluation Division

From: Noreen H. Maloney
Virginia Department of Transportation – Land Development Section

Subject: SE 2010-DR-019, Popeyes Restaurant
Tax Map No.: 006-1- /01/ /0018

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

The application has been filed for a fast food restaurant with a drive- thru.

The applicant should construct a right turn lane along Route 7 at the entrance.

The site needs to be re configured to meet the guidelines of Access Management entrance throats. It appears 75' is needed.



County of Fairfax, Virginia

MEMORANDUM

DATE: November 16, 2010

TO: Regina Coyle, Assistant Director
Zoning Evaluation Division,
Department of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2010-DR-019)

SUBJECT: Transportation Impact

REFERENCE: SE 2010-DR-019; Sivnam Partnership LLC
Traffic Zone: 1745
Land Identification Map: 6-1 ((01))) 18

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the revised plat dated October 10, 2010.

The applicant requests a special exception to permit the conversion of an existing drive-through financial institution into a sit-down and drive-through fast food restaurant.

Trip Generation -8th edition (Number of Vehicular Trips) per

	Am Peak Hour	PM Peak Hour	Saturday Peak Hour
<u>Existing Drive Through Bank (ite-912)</u>			
Bank -1,938 sq.ft.	23	49	50
<u>Proposed Fast Food Restaurant Drive Through (ite-934)</u>			
Restaurant- 2,550 sq.ft.	125	86	151

Note: There is a significant increase in traffic with this proposal.

This department has reviewed the subject application and offers the following comments:

- The applicant has not fully addressed comments regarding VDOT's memo of October 1, 2010.
- Per VDOT Access Management Requirements a westbound right-turn lane along the site on Route 7 is required. The applicant has not proposed to construct the right turn lane. VDOT notes that Route 7 is part of the National Highway System and therefore subject to AASHTO requirements.

The applicant does have the option to submit a design waiver/ exception for the construction of the right turn lane. Such a waiver/exception needs to be submitted and concluded upon by VDOT before the application goes to public hearing.

- The applicant should provide a traffic (queuing) analyses to determine if the existing eastbound LT lane storage capacity is adequate enough with the anticipated site increase in vehicular trips. The applicant has not submitted this analysis.
- The site's access throat length or access storage does not meet VDOT's Access Management Entrance Standards. VDOT requests the site to be reconfigured.

A waiver/ exception can be submitted to VDOT regarding this issue. The waiver / exception should be reviewed and concluded upon before this application proceeds to public hearing.

- An additional plan sheet should be added to the special exception plat to determine if the northbound approach lanes for Dranesville Road transition and align adequately with the diminished site access width to Route 7.
- VDOT does suggest (as another option) for the applicant to design and construct the closing of the site access to Route 7. The subject site could then utilize the right-in/ right-out access to the west on Route 7. With such a design the applicant would not have to provide a Route 7 right turn lane.
- The site's parking and circulation still remain awkward. Upon entering the site, the through movement leaves the driver no choice but to use the drive-through, intended or not. Upon entering the site the vehicles should be granted a right or left turn only. Upon ingressing to the right, the parking could be angled along the drive-through stacking lane. This enables the driver access to parking, to use the drive through and to drive out of the site.

Regina Coyle
November 16, 2010
Page three

- FCDOT requests that the just recently constructed Pedestrian Project 64267 (PI 014) Leesburg Pike/ Dranesville Road Improvements be overlayed on the special exception plat sheets.
- A trail waiver along the site on Route 7 is administratively granted per FCDOT

AKR/AK C:SE 2010-DR019SIvnamPartnership
CC: Michelle Brickner, Director, Design Review, DPW & ES
Charlie Strunk, FCDOT
Chris Wells, FCDOT

Abrahamson, Kris

From: Dearing, Michelle D.
Sent: Friday, August 20, 2010 9:50 AM
To: Ruffner, Virginia
Cc: Rodeheaver, Angela K.; Coello, Martha E.; Abrahamson, Kris
Subject: SE 2010-DR-019 SIVNAM PARTNERSHIP

Good morning

I've reviewed the case information for SE 2010-DR-019 (Popeye's Restaurant) located at 12218 Leesburg Pike (tax map 6-4 ((1)) 18) and determined that a **TIA is not required**. This decision was based on the information submitted in the case justification which stated there would be a total GFA of 2,550.

Please let me know if anything else is needed.

Have a great day!

Michelle Dearing
Planning Technician II
Fairfax County Transportation
703-877-5711
Michelle.Dearing@fairfaxcounty.gov

8/20/2010



County of Fairfax, Virginia

APPENDIX 8

MEMORANDUM

May 4, 2012

TO: Miriam H. Bader AICP, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III
Forest Conservation Branch, DPWES

SUBJECT: Popeyes Restaurant, SE 2010-DR-019

RE: Request for assistance dated April 27, 2012

This review is based on the Special Exception Application (SE 210-DR-019) and Special Exception Plat stamped "Received, Department of Planning and Zoning April 19, 2012."
A site visit was conducted on May 4, 2012.

General Comment: The Applicant has addressed most of Urban Forest Management Division (UFMD) comments in the prior submission of the Special Exception Application and Plat however, UFMD recommends the following development conditions to protect the trees proposed for preservation as well as the RPA and Flood Plain easement on this site.

1. **Comment:** Given the nature and location of the tree cover within an RPA on this site, and depending on the ultimate development configuration, several development conditions will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following development conditions to ensure effective tree preservation:

Tree Preservation: "The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the Special Exception Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan."

Tree Preservation Walk-Through. "The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions."

Limits of Clearing and Grading. "The Applicant shall conform strictly to the limits of clearing and grading as shown on the Special Exception Plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the Special Exception Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities."

Tree Preservation Fencing: "All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES."

Root Pruning. "The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified,

labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete."

Demolition of Existing Structures. "The demolition of the curb, gutter and asphalt adjacent to limits of clearing and grading, adjacent to tree preservation areas shown on the Special Exception Plat shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES."

Site Monitoring. "During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as required by the development conditions and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES."

Please feel free to contact me at 703-324-1770 if you have any questions or concerns.

CSH/
UFMD #: 153620

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

August 31, 2010

TO: Kris Abrahamson, Branch Chief
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III *CH*
Forest Conservation Branch, DPWES

SUBJECT: Popeyes Restaurant, SE 2010-DR-019

This review is based on the Special Exception Application (SE 2010-DR-019 and Special Exception Plat stamped "Received, Department of Planning and Zoning July 26, 2010."
A site visit was conducted on August 26, 2010.

1. **Comment:** The proposed landscaped buffer area illustration is not consistent with the Tree Planting for Buffer Area Establishment planting schedule. Twenty-five understory trees are indicated on the plant schedule and only 15 are shown on the landscape illustration. Likewise, numerous shrubs are shown on the landscape illustration while there are no shrubs indicated in the landscape plant schedule.

Recommendation: The applicant should provide a landscape illustration that is consistent with the landscape plant schedule. Too much landscaping within a densely wood RPA may have a negative impact on the existing trees. In addition, new plants planted in a densely wooded area will have a very low survival rate.

2. **Comment:** Given the nature and location of the tree cover within an RPA on this site, and depending on the ultimate development configuration, several development conditions will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following development conditions to ensure effective tree preservation:

Tree Preservation: "The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree

preservation, those areas outside of the limits of clearing and grading shown on the Special Exception Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan."

Tree Preservation Walk-Through. "The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions."

Limits of Clearing and Grading. "The Applicant shall conform strictly to the limits of clearing and grading as shown on the Special Exception Plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the Special Exception Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities."

Tree Preservation Fencing: "All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing

has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

Root Pruning. “The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.”

Demolition of Existing Structures. “The demolition of the curb, gutter and asphalt adjacent to limits of clearing and grading, adjacent to tree preservation areas shown on the Special Exception Plat shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.”

Site Monitoring. “During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as required by the development conditions and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.”

CSH/
UFMD #: 153620

cc: RA File
DPZ File

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-503 Standards For All Category 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Banks, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts

1. In all districts where permitted by special exception:
 - A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
 - B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
 - C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
 - D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.
 - E. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.
- ...
4. In the C-7, C-8 and C-9 Districts, in addition to Par. 1 above:
 - A. In the C-7 or C-9 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.
 - B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
 - C. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to the area so designated on an approved special exception plat.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBa: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		